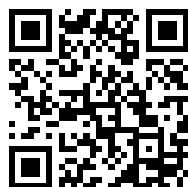


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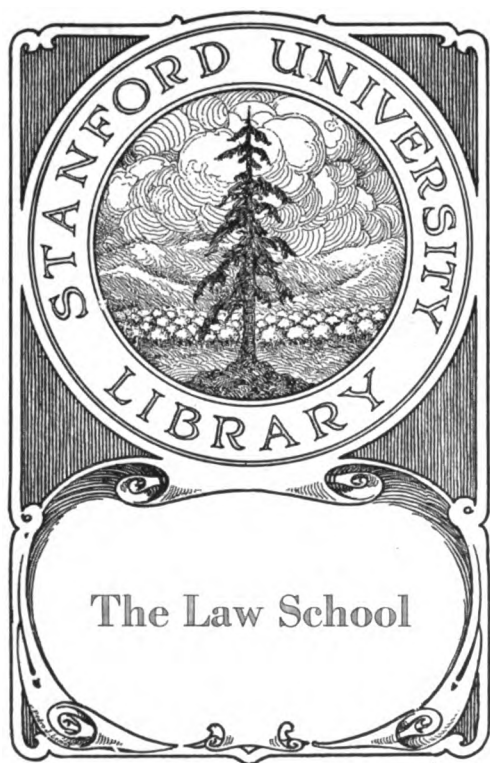
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*Hawaii (Ter.) Laws, Articles,*

# The Fundamental Law of Hawaii.

Edited and Indexed by

LORRIN A. THURSTON.

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THE HAWAIIAN GAZETTE CO., LTD.  
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## PREFACE TO THE FUNDAMENTAL LAW OF HAWAII.

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Congress has expressly enacted a law organizing Hawaii into a Territory, and extended the provisions of the United States Constitution to the Territory.

In a restricted sense, therefore, the United States Constitution and the Organic Act constitute Hawaii's fundamental law; but the Organic Act specifically re-enacts the great body of pre-existing Hawaiian statute law, which was based upon the several Hawaiian Constitutions and organic laws. A large proportion of the law governing real estate, property and personal rights, in Hawaii, being based upon these early constitutions and laws; and precedents, decisions and court practice having grown out of them, it is necessary to consult them in order to have a comprehensive understanding of existing Hawaiian law. They are nearly all published, however, in books now out of print and in scattered volumes, inaccessible to many and inconveniently located for all. In fact, not even practicing lawyers in Hawaii can, except at considerable loss of time, place their hands on the laws and constitutions necessary for the study and decision of practical questions continually being presented to them.

Under these circumstances it is believed that the public interest requires the re-publication, in convenient reference form, of what may be called the fundamental law of Hawaii.

To meet this requirement, the following constitutions, laws and documents have been compiled under the common title of the "Fundamental Law of Hawaii," viz:

1. The first Constitution of Kamehameha III (1840), including the previously issued Bill of Rights.

2. The first laws of Hawaii, enacted under Kamehameha III (1833-1842), published together in 1942.

3. The law creating, and principles guiding, the Land Commission.

4. The second Constitution of Kamehameha III, 1852.

5. The Constitution of Kamehameha V, 1864.

6. The Constitution of Kalakaua, 1887.

7. The proclamation and orders, incident to the establishment of the Provisional Government, 1893.

8. The Constitution of the Republic of Hawaii, 1894.

9. The Treaty annexing Hawaii to the United States, 1897.

10. The Resolution of the Hawaiian Senate ratifying the annexation treaty, 1897.

11. The joint resolution of Congress annexing Hawaii, 1898.

12. The documents and procedure incident to the transfer of the sovereignty and possession of Hawaii to the United States, 1898; and the executive orders of President McKinley, relating to the government of Hawaii, issued during the transition period between the date of annexation and the passage of the Organic Act, 1898-1900.

13. The Act of Congress organizing Hawaii into a Territory, 1900.

The laws of 1842 are not "fundamental" in the sense that the constitutions and other laws and documents are; but they have been included herein for the reason that they were not only the first written laws of Hawaii, but embodied many of the pre-existing laws and customs of the country and therefore throw a strong light upon the origin and development of much of the present law.

Only a few of the laws, constitutions and documents re-published, have ever been indexed. A full index of all of them is included herein. Instead of one general index, each is indexed separately. The reason for such treatment is that



reference will usually be desired to a given subject in some one law or constitution. The subject sought will be much easier found in the short index of the particular law, than it would have been in a necessarily long index of the whole.

The table of contents gives the page of each constitution and law and of its index.

LORRIN A. THURSTON.

Honolulu, June 30, 1904.

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## PREFACE TO THE LAWS OF 1842.

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The following is a translation of the Constitution of the Hawaiian Government, and of all the laws which have been enacted or revised since its adoption so far as they are known to the translator. The translation is not designed to be a perfectly literal one, but wherever there is a variation from the letter of the original it is always made with the design of giving the sense more clearly. For these variations the translator is responsible. The original will of course be the basis of all judicial proceedings.

The foreign reader may be interested to know something of the history of these laws. A particular account of the origin of that part which relates to taxation, and indeed most of the civil code, may be found in the *Hawaiian Spectator*, Vol. II, Page 345.

The laws as they now appear are most of them of quite recent date. Some of them were enacted as far back as 1833, and others had their origin as early as 1823.

But all the laws which were enacted previous to the former period, and some of a later period have undergone such modifications and changes, that they now appear with a date much later than the original.

At these Islands, as well as in more civilized countries, there is something like a system of common law, independent of special statutes. It consists partly in their ancient taboos, and partly in the practices of the celebrated chiefs as the history of them has been handed down by tradition, and at the present period the principles of the Bible are fully adopted. The established customs of civilized nations have also in most cases the force of law in these Islands provided that custom is known.

This little volume, therefore, must not be considered as containing the whole system of Hawaiian law, although it contains most of the printed statutes.

Some of the laws contained in this volume were first proposed by foreign visitors and commanders of vessels of war, some were proposed by foreign residents, some by foreign consuls, and one or two were written by them; but not so with by far the greatest proportion. In some cases, as for example the Harbor laws, several individuals were called on to make a draft of a law on the same subject and then the chiefs adopted that which they considered the best, making such corrections by the others, or by their own suggestions as they saw best.

Several of the original laws were written by David Malo; some by John Ii; nearly all the laws on the subject of taxation were written by Boaz Mahune and the first drafts of some were made by Timothy Keaweiiwi, Daniel Ii and others.

But nearly all have been materially modified by the House of Nobles and House of Representatives at their annual council. They were repeatedly read and discussed, referred to committees or altered by the suggestion of individuals, according to the will of the council. Almost every law, however, before it received the signature of the King and Premier was unanimously approved by both houses of the Legislature, and there is not a law in the book which was finally *disapproved* by a single individual of the Council.

TRANSLATOR.

[The translator is believed to have been Rev. Wm. L. Richards.]

# THE FIRST CONSTITUTION OF HAWAII,

Granted by Kamehameha III, October 8, 1840.

---

## DECLARATION OF RIGHTS, BOTH OF THE PEOPLE AND CHIEFS.

"God hath made of one blood all nations of men to dwell on the earth," in unity and blessedness. God has also bestowed certain rights alike on all men and all chiefs, and all people of all lands.

These are some of the rights which He has given alike to every man and every chief of correct deportment; life, limb, liberty, freedom from oppression; the earnings of his hands and the productions of his mind, not however to those who act in violation of the laws.

God has also established government, and rule for the purpose of peace; but in making laws for the nation it is by no means proper to enact laws for the protection of the rulers only, without also providing protection for their subjects; neither is it proper to enact laws to enrich the chiefs only, without regard to enriching their subjects also, and hereafter there shall by no means be any laws enacted which are at variance with what is above expressed, neither shall any tax be assessed, nor any service or labor required of any man, in a manner which is at variance with the above sentiments.

## PROTECTION FOR THE PEOPLE DECLARED.

The above sentiments are hereby published for the purpose of protecting alike, both the people and the chiefs of all these islands, while they maintain a correct deportment; that no chief may be able to oppress any subject, but that chiefs and people may enjoy the same protection, under one and the same law.

Protection is hereby secured to the persons of all the people, together with their lands, their building lots, and all their property, while they conform to the laws of the kingdom, and nothing whatever shall be taken from any individual except by express provision of the laws. Whatever chief shall act perseveringly in violation of this constitution, shall no longer remain a chief of

the Hawaiian Islands, and the same shall be true of the Governors, officers, and all land agents.

But if any one who is deposed shall change his course, and regulate his conduct by law, it shall then be in the power of the chiefs to reinstate him in the place he occupied previous to his being deposed.

### CONSTITUTION.

It is our design to regulate our kingdom according to the above principles and thus seek the greatest prosperity both of all the chiefs and all of the people of these Hawaiian Islands. But we are aware that we cannot ourselves alone accomplish such an object—God must be our aid, for it is His province alone to give perfect protection and prosperity.—Wherefore we first present our supplication to HIM, that he will guide us to right measures and sustain us in our work.

It is therefore our fixed decree,

I. That no law shall be enacted which is at variance with the word of the Lord Jehovah, or at variance with the general spirit of His word. All laws of the Islands shall be in consistency with the general spirit of God's law.

II. All men of every religion shall be protected in worshipping Jehovah, and serving Him, according to their own understanding, but no man shall ever be punished for neglect of God unless he injures his neighbor, or bring evil on the kingdom.

III. The law shall give redress to every man who is injured by another without a fault of his own, and shall protect all men while they conduct properly, and shall punish all men who commit crime against the kingdom or against individuals, and no unequal law shall be passed for the benefit of one to the injury of another.

IV. No man shall be punished unless his crime be first made manifest, neither shall he be punished unless he be first brought to trial in the presence of his accusers, and they have met face to face, and the trial having been conducted according to law, and the crime made manifest in their presence, then punishment may be inflicted.

V. No man or chief shall be permitted to sit as judge or act on a jury to try his particular friend (or enemy), or one who is especially connected with him. Wherefore if any man be condemned or acquitted, and it shall afterwards be made to appear, that some one who tried him acted with partiality for the pur-

pose of favoring his friend (or injuring his enemy), or for the purpose of enriching himself, then there shall be a new trial allowed before those who are impartial.

EXPOSITION OF THE PRINCIPLES ON WHICH THE PRESENT DYNASTY  
IS FOUNDED.

The origin of the present government, and system of polity, is as follows: KAMEHAMEHA I, was the founder of the kingdom, and to him belonged all the land from one end of the Islands to the other, though it was not his own private property. It belonged to the chiefs and people in common, of whom Kamehameha I was the head, and had the management of the landed property. Wherefore, there was not formerly, and is not now any person who could or can convey away the smallest portion of land without the consent of the one who had, or has the direction of the kingdom.

These are the persons who have had the direction of it from that time down, Kamehameha II, Kaahumanu I, and at the present time Kamehameha III. These persons have had the direction of the kingdom down to the present time, and all documents written by them, and no others are the documents of the kingdom.

The kingdom is permanently confirmed to Kamehameha III, and his heirs, and his heir shall be the person whom he and the chiefs shall appoint, during his life time, but should there be no appointment, then the decision shall rest with the chiefs and house of Representatives.

PREROGATIVES OF THE KING.

The prerogatives of the King are as follows: He is the sovereign of all the people and all the chiefs. The kingdom is his. He shall have the direction of the army and all the implements of war of the kingdom. He also shall have the direction of the government property—the poll tax—the land tax—the three days monthly labor, though in conformity to the laws. He also shall retain his own private lands, and lands forfeited for the non-payment of taxes shall revert to him.

He shall be the chief judge of the Supreme Court, and it shall be his duty to execute the laws of the land, also all decrees and treaties with other countries, all however in accordance with the laws.

It shall also be his prerogative to form treaties with the rulers of all other kingdoms, also to receive ministers sent by other



countries, and he shall have power to confirm agreements with them.

He shall also have power to make war in time of emergency, when the chiefs cannot be assembled, and he shall be the commander-in-chief. He shall also have power to transact all important business of the kingdom which is not by law assigned to others.

#### RESPECTING THE PREMIER OF THE KINGDOM.

It shall be the duty of the King to appoint some chief of rank and ability, to be his particular minister, whose title shall be *Premier of the Kingdom*. His office and business shall be the same as that of Kaahumanu I, and Kaahumanu II. For even in the time of Kamehameha I, life and death, condemnation and acquittal were in the hands of Kaahumanu. When Kamehameha I, died, his will was, "The Kingdom is Liholiho's, and Kaahumanu is his Minister." That important feature of the government, originated by Kamehameha I, shall be perpetuated in these Hawaiian Islands, but shall always be in subserviency to the law.

The following are the duties of the Premier: All business connected with the special interests of the kingdom, which the King wishes to transact, shall be done by the Premier under the authority of the king. All documents and business of the kingdom executed by the Premier, shall be considered as executed by the King's authority. All government property shall be reported to him (or her) and he (or she) shall make it over to the King.

The Premier shall be the King's special counsellor in the great business of the kingdom.

The King shall not act without the knowledge of the Premier, nor shall the Premier act without the knowledge of the King, and the veto of the King on the acts of the Premier shall arrest the business. All important business of the kingdom which the King chooses to transact in person, he may do it but not without the approbation of the Premier.

#### GOVERNORS.

There shall be four Governors over these Hawaiian Islands—one for Hawaii—one for Maui and the Islands adjacent—one for

Oahu, and one for Kauai and the adjacent Islands. All the Governors, from Hawaii to Kauai shall be subject to the king.

The prerogatives of the Governors and their duties, shall be as follows: Each Governor shall have the general direction of the several tax gatherers of this island, and shall support them in the execution of all their orders which he considers to have been properly given, but shall pursue a course according to law, and not according to his own private views. He also shall preside over all the judges of his island, and shall see their sentences executed as above. He shall also appoint the judges and give them their certificates of office.

All the Governors, from Hawaii to Kauai shall be subject not only to the King, but also to the Premier.

The Governor shall be the superior over his particular island or islands. He shall have charge of the munitions of war, under the direction of the King, however, and the Premier. He shall have charge of the forts, the soldiery, the arms and all the implements of war. He shall receive the government dues and shall deliver over the same to the Premier. All important decisions rest with him in times of emergency, unless the King or Premier be present. He shall have charge of all the King's business on the island, the taxation, new improvements to be extended, and plans for the increase of wealth, and all officers shall be subject to him. He shall also have power to decide all questions, and transact all island business which is not by law assigned to others.

When either of the Governors shall decease, then all the chiefs shall assemble at such place as the King shall appoint, and shall nominate a successor of the deceased Governor, and whosoever they shall nominate and be approved by the King, he shall be the new Governor.

#### HOUSE OF NOBLES.

At the present period, these are the persons who shall sit in the government councils, Kamehameha III, Kekauluohi, Hoapiliwahine, Kuakini, Kekauonohi, Kahekili, Paki, Konia, Keohokalole, Leleiohoku, Kekuanaoa, Kealiihonui, Kanaina, Keoni Ii, Keoni Ana, and Iiaalilio. Should any other person be received into the council, it shall be made known by law. These persons shall have part in the councils of the kingdom. No law of the nation shall be passed without their assent. They shall

act in the following manner: They shall assemble annually, for the purpose of seeking the welfare of the nation, and establishing laws for the kingdom. Their meetings shall commence in April, at such day and place as the King shall appoint.

It shall also be proper for the King to consult with the above persons respecting all the great concerns of the kingdom, in order to promote unanimity and secure the greatest good. They shall moreover transact such other business as the King shall commit to them.

They shall still retain their own appropriate lands, whether districts or plantations, or whatever divisions they may be, and they may conduct the business on said lands at their discretion, but not at variance with the laws of the kingdom.

#### RESPECTING THE REPRESENTATIVE BODY.

There shall be annually chosen certain persons to sit in council with the Nobles and establish laws for the nation. They shall be chosen by the people, according to their wish, from Hawaii, Maui, Oahu and Kauai. The law shall decide the form of choosing them, and also the number to be chosen. This representative body shall have a voice in the business of the kingdom. No law shall be passed without the approbation of a majority of them.

#### RESPECTING THE MEETINGS OF THE LEGISLATIVE BODY.

There shall be an annual meeting as stated above; but if the Rulers think it desirable to meet again they may do it at their discretion.

When they assemble, the Nobles shall meet by themselves and the representative body by themselves, though at such times as they shall think it necessary to consult together, they may unite at their discretion.

The form of doing business shall be as follows: The Nobles shall appoint a Secretary for themselves who at the meetings shall record all decisions made by them, and that book of records shall be preserved in order that no decrees affecting the interests of the kingdom may be lost.

The same shall be done by the representative body. They too shall choose a Secretary for themselves, and when they meet for the purpose of seeking the interests of the kingdom, and shall

come to a decision on any point, then that decision shall be recorded in a book, and the book shall be preserved, in order that nothing valuable, affecting the interests of the kingdom should be lost; and there shall no new law be made, without the approbation of a majority of the Nobles and also a majority of the representative body.

When any act shall have been agreed upon by them, it shall then be presented to the King, and if he approve and sign his name, and also the Premier, then it shall become a law of the kingdom, and that law shall not be repealed until it is done by the voice of those who established it.

#### RESPECTING THE TAX OFFICERS.

The King and Premier shall appoint Tax Officers, and give them their certificates of office. There shall be distinct tax officers for each of the islands, at the discretion of the King and Premier.

When a tax officer has received his certificate of appointment, he shall not be dismissed from office without first having a formal trial, and having been convicted of fault, at which time he shall be dismissed. Though if the law should prescribe a given number of years as the term of office, it may be done.

The following are the established duties of the tax officers. They shall assess the taxes and give notice of the amount to all the people, that they may understand in suitable time. The tax officers shall make the assessment in subserviency to the orders of the Governors, and in accordance with the requirements of the law. And when the taxes are to be gathered, they shall gather them and deliver the property to the Governor, and the Governor shall pay it over to the Premier, and the Premier shall deliver it to the King.

The tax officers shall also have charge of the public labor done for the King, though if they see proper to commit it to the land agents it is well, but the tax officers being above the land agents shall be accountable for the work. They shall also have charge of all new business which the King shall wish to extend through the kingdom. In all business however they shall be subject to the Governor.

The tax officers shall be the judges in all cases arising under the tax law. In all cases where land agents or landlords are charged with oppressing the lower classes, and also in all cases

of difficulty between land agents and tenants, the tax officers shall be the judges, and also all cases arising under the tax law enacted on the 7th of June, 1839.

They shall moreover perform their duties in the following manner: Each tax officer shall be confined in his authority to his own appropriate district. If a difficulty arises between a land agent and his tenant, the tax officer shall try the case and if the tenant be found guilty, then the tax officer, in connection with the land agent shall execute the law upon him. But if the tax officer judge the land agent to be in fault, then he shall notify all the tax officers of his particular island, and if they are agreed, they shall pass sentence on him and the Governor shall execute it. But in all trials, if any individual take exception to the decision of the tax officer, he may appeal to the Governor who shall have power to try the case again, and if exceptions are taken to the decision of the Governor, on information given to the Supreme Judges, there shall be a new and final trial before them.

#### OF THE JUDGES.

Each of the Governors shall at his discretion, appoint judges for his particular island, two or more as he shall think expedient, and shall give them certificates of office. After having received their certificates, they shall not be turned out, except by impeachment, though it shall be proper at any time for the law to limit the term of office.

They shall act in the following manner: They shall give notice before hand of the days on which courts are to be held. When the time specified arrives, they shall then enter on the trials according as the law shall direct. They shall be the judges in cases arising under all the laws excepting those which regard taxation, or difficulties between land agents, or landlords and their tenants. They shall be sustained by the Governor, whose duty it shall be to execute the law according to their decisions. But if exceptions are taken to their judgment, whosoever takes them may appeal to the supreme judges.

#### OF THE SUPREME JUDGES.

The representative body shall appoint four persons whose duty it shall be to aid the King and Premier, and these six persons shall constitute the Supreme Court of the kingdom.

Their business shall be to settle all cases of difficulty which are left unsettled by the tax officers and common judges. They shall give a new trial according to the conditions of the law. They shall give previous notice of the time for holding courts, in order that those who are in difficulty may appeal. The decision of these shall be final. There shall be no further trial after theirs. Life, death, confinement, fine, and freedom, from it, are all in their hands, and their decisions are final.

#### OF CHANGES IN THIS CONSTITUTION.

This constitution shall not be considered as finally established, until the people have generally heard it and have appointed persons according to the provisions herein made, and they have given their assent, then this constitution shall be considered as permanently established.

But hereafter, if it should be thought desirable to change it, notice shall be previously given, that all the people may understand the nature of the proposed change, and the succeeding year, at the meeting of the Nobles and the representative body, if they shall agree as to the addition proposed or as to the alteration, then they may make it.

The above constitution has been agreed to by the Nobles, and we have hereunto subscribed our names, this eighth day of October, in the year of our Lord 1840, at Honolulu, Oahu.

(Signed)      KAMEHAMEHA III.  
                    KEKAULUOHI.

# THE FIRST LAWS OF THE HAWAIIAN ISLANDS.

Issued from time to time, and Compiled and Published in 1842.

## CHAPTER I.

### An Act Pointing Out the Manner in Which the Laws Shall be Promulgated.

The subjection of the people to the chiefs, from former ages down, is a subject well understood, as is also a portion of the ancient laws. That subjection and those laws are not now as a matter of course discontinued, but there are at the present time many new laws, with which it is well that all the people should become acquainted. There is no way to make them thoroughly understood except by printing, wherefore in a council of the government the following acts were passed.

1. Hereafter no law of the kingdom shall take effect without having been first printed and made public.

Copies of the law shall be delivered to all the following persons:

To all Nobles belonging to the council.

To each of the Representative Body.

To each of the Judges.

To each of the tax officers.

To each of the police officers; and should a Hawaiian Newspaper be published, they shall be published in that, and Consuls of foreign countries shall be furnished with ten copies each.

3. Should the purport of any law not be understood, or should the judges be in doubt for want of clearness in the law, they may in that case ask explanation of the Supreme Judges, who will make known the exposition.

Should any two laws be at variance with each other, then the one bearing the latest date is the one in force.

This law having had the sanction of the House of Nobles, we have herewith set our names this second day of November in the year of our Lord 1840, at Lahaina, Maui.

(Signed) KAMEHAMEHA III.  
KEKAULUOHI.



## CHAPTER II.

## Of the Representative Body.

In accordance with the requirements of the constitution, certain persons will be chosen to sit in council with the Nobles. For the present they shall be chosen in the following way, but at some future period the number will be increased, though not now.

1. Two persons shall be chosen from Hawaii, two from Maui and the adjacent islands, two from Oahu, and one from Kauai.

2. The choice shall be made as follows: Whosoever pleases on the island of Hawaii may write to His Majesty mentioning the names of the two persons of wisdom whom he chooses to sit in council with the Nobles. They may write in the following form:

To His Majesty, Kamehameha III.

The object of our writing this letter is to inform your majesty of certain persons on this island of Hawaii whom we consider men of wisdom and prudence.

The name of the first is.....

The name of the second is.....

It is our desire that these two persons should sit in council with the Nobles the present year. By us,

(Signed).....

The above letter when written may be circulated among the people, and all who are pleased with those men may put their names. And even should there be many such letters written it will be well, for the person who has the most names in those letters will be the person chosen, and be the Representative from Hawaii.

In these ballot letters there may be a great number of signatures to the same letter. The names of all who vote will be counted, and the persons having a majority will be the ones who are chosen.

The election shall be conducted in the same manner also on Maui, Oahu and Kauai.

3. Should any man forge another's name as a signature to a letter written as above, or should any one write his own name twice, or should one write the name of another without his approbation, he shall be fined ten dollars for every name thus criminally written.

4. As soon as His Majesty the King ascertains the names of the persons who are chosen, the Premier will then write and inform them of the day and the place of meeting of the Legislature that they may be in a state of readiness.

5. All the expenses of the Representatives in going to and returning from the meeting shall be paid by the government, and also all expenses while in attendance.

This edict having been passed by the House of Nobles we have hereunto set our names this second day of November in the year 1840, at Lahaina, Maui.

(Signed) KAMEHAMEHA III.  
KEKAULUOHI.

---

### CHAPTER III.

#### An Act to Regulate the Taxes.

There is much in this law which does not relate directly to assessment and taxation. A portion of it is merely explanatory, a portion applies directly to taxes, another portion applies to labor, another portion applies to the former prohibitory system, a portion is simply instruction, and a portion is direct law. That part which simply disapproves of certain evils is instruction. If a penalty is affixed that is absolute law.

##### 1. Respecting the Poll Tax.

There shall be two forms of taxation in the Hawaiian kingdom. The one a poll tax, to be paid in money, the other a land tax, to be paid in Swine; or these shall be the standard of taxation, though in failure of these articles, other property will be received. The amount of poll tax shall be as follows.

For a Man, one dollar.

For a Woman, half a dollar.

For a Boy, one-fourth of a dollar.

For a Girl, one-eighth of a dollar.

This is the ratio of taxation for adults and children above 14 years of age. But feeble old men and women shall not be taxed at all. In the back part of the islands where money is difficult to be obtained, Arrow Root will be a suitable substitute. Thirty-

three pounds of good arrow root will be taken for a dollar. Cotton also is another suitable article; sixteen pounds will be accounted equal to a dollar. Sugar is another suitable article; also nets. If any individual do not obtain the money at the time when every man is to pay his taxes, and if he do not obtain arrow root, nor sugar, nor nets, until the specified months for payment are passed, viz October, November and December, and if the last days of December have passed, then every man shall be fined the value of two dollars, (if his tax is not paid) and the same rates of increase shall be observed in relation to those whose taxes are less than that of a man. The fine shall be paid in some property that can be sold for the value of two dollars, but not in property subject to immediate decay or death.

## 2. Land Tax.

The following is the rate of taxation for plantations, and, farms including plantations. There shall be no state, county, town and district tax, but only the following:

A large farm—a swine one fathom long.

A smaller one—a swine three cubits long.

A very small one—a swine one yard long.

If not a fathom swine, then 10 dollars.

If not a three cubit swine, then  $7\frac{1}{2}$  dollars.

If not a yard swine, then 5 dollars.

If neither a fathom swine nor ten dollars, then two yard swine, or if failing of these, then 4 one cubit swine, or if not these, then some other property of equal value with a fathom swine. Or, if none of these, then inquiry shall be made both of the land holders and landlords, and he who is the fault shall be dispossessed of this right in the land. Or if the fault is common to the landlord and tenant, then they shall have three months to put the land in good order, at which time they all shall leave it. For in that case it appears that the land was truly valuable, but the landlord and tenant neglected to pay the taxes. This is doing a real damage—it is downright laziness. In the same manner as these persons are fined and then dispossessed, so also shall those persons be fined and dispossessed who hold small farms included in larger ones.

But those plantations which have no farms in them, under the direct taxation of particular chiefs, and have never had during

the remembrance of any of the people now alive, they shall be taxed as follows in this new assessment:

A large plantation—two fathom swine.

A smaller one—one fathom swine.

A very small one—a three cubit swine.

The above shall be the conditions of taxation, and dispossession of farms.

It is furthermore added for the purpose of clearness and equality in taxation, that if the tax officer and the owner of the swine do not agree as to the size of the swine, then the tax swine shall be weighed, and a fathom swine shall be considered as weighing 333 pounds, a three cubit swine 250 pounds, and a yard swine 167 pounds. In the system of taxation this shall be considered as the regular weight of all tax swine.

If the weight of a swine shall exceed that which is prescribed for the fathom, three cubit or yard swine then the tax officer shall pay for the excess above the proper weight; and so also if the weight of the swine fall short of what is prescribed in the law, the land agents shall pay the deficiency.

Furthermore the governors of the several islands shall notify his Majesty the King of all the lands which are annually forfeited, and he shall give them out again at his discretion, or lease them, or put them into the hands of those who have no land, as he shall think best.

### 3. Of the Labor Tax.

Hereafter a tax in labor shall not be required on every week of the month.—On two weeks, labor shall be done for his Majesty the King and also the landlords, and two weeks the people shall have wholly to themselves. The first week in the month the people shall work two days for the king and one for the landlords; the second week in the month they shall work one day for his Majesty the King, and two days for the landlords, and the next two weeks the people shall have to themselves. But if there be important public work to be done which is for the benefit of the people at large, then there shall be twelve working days. The people shall work three days in each of those weeks which belong especially to themselves, and when the work is finished or ended, then that kind of labor is at an end; but as regards such kinds of labor as are merely for the private interest of chiefs or owners of counties, towns, districts,

plantations, and farms, each even including the King, shall take the benefit only of his own particular days in the week and the people shall work only on Friday, or sometimes on Thursday for the landlords, and the landlords shall be exact to observe their particular days. And so also the tax officers shall be particular to appropriate only the king's days to his labor. If the landlords or inferior chiefs see proper to appropriate their days for the benefit of his Majesty the King in the performance of any particular labor, then the King shall return as many days labor as he has received from them. In the same way there may be an exchange of days with the common people.

If the King is in particular need, or landlord, it will not then be proper for the people to refuse to exchange days. They shall exchange, and on the above conditions, though any man may refuse to exchange when it is of special disadvantage to himself.

The same privilege shall also be given to the people. Whenever they are in straitened circumstances, and shall wish to be absent from the Tuesday or Friday labor, they may then exchange with the tax officers or landlords, and it shall not be proper for them to refuse; though if any man should be guilty of downright deception and should in reality be in no straits, that shall be considered as absenting himself from a day's labor.

Those landlords and chiefs who are guilty of appropriating to their own use the labor of the people on days which do not belong to them and do not return an equal number of days to the people therefor, shall be fined. The tenants shall be freed for six months from working for their chiefs who have thus treated them.

The following also is the fine of those who do not go to the public labor of the King and landlords, a half a dollar for each man. If a man arrive on the ground at dinner time, a fourth of a dollar shall be the fine; or if the man do not arrive till after the falling of the signal for commencing at 7 o'clock, he shall be fined an eighth of a dollar. If the failure be on the King's day, the fine shall be paid to the King; if on the landlord's day, it shall be paid to the landlord. Tenants, sub-tenants, and cultivators of small lots, shall all pay to the landlords of their particular farms or plantations. So also head men of states, counties, townships, and districts, shall receive from their particular tenants, sub-tenants, and cultivators of their lands. But tenants of those lands which have not been subject to private taxation shall pay only to the King in case of absence from public labor.

When public labor is to be done of such a nature as to be a common benefit to King and people, and therefore 12 days in a month are devoted to labor, then all persons, whether connected with the land or not, and also all servants shall go to the work or pay a fine of half a dollar. Those also shall go who have been freed by the payment of nine dollars a year, and all who have been freed by their masters having paid a rial a day.

They shall not go however on the King's day, nor on the landlord's day, but merely on those days belonging to themselves.

At the period when the taxes are collected, according to the notice given by the tax officers, during those days there will be no field labor required, neither by the King nor by the landlords, nor until the tax officers give notice of the same. The labor of the people during those days will be to carry their taxes to the place directed by the tax officers.

But all persons who are sick and those in attendance on the sick shall on the examination of the tax officers be freed from fine for non-attendance on the labor days.

He that absents himself without giving previous notice shall be fined half a dollar. He that gives previous notice shall pay but 25 cents.

If any man wish to be entirely freed from public labor, he may go to the landlord and pay nine dollars, four and a half for the King and four and a half for the landlord, and then the man shall be entirely free, and shall not be required to go to the labor of the King, nor to that of the landlords.

Those feeble old people who are freed from the yearly tax shall also be freed from the public labor of the landlords, King and all kinds of public labor.

Let all those who are called landlords and governors, and tax officers consider well what kinds of produce are suited to each particular land and to all the lands from one end of the island to the other. And they shall give special charge on this subject to the tenants of their lands, so that they may cultivate extensively all such articles as shall be profitable. The landlords shall derive their profit and loss from their own days only, and so also the King shall derive his profit and loss from his days only. And the people shall derive their profit and loss from their days. But the landlords shall strive to stimulate the people to such kinds of labor as shall be profitable to the country.

It is furthermore specified that on all days of labor, there shall be two seasons of rest for the laborers; one at breakfast time, the

other at dinner. If one should remain idle while the rest are at work, his fine shall be two day's work at some other labor. But men shall not be fined unjustly. Those that are really idle and lazy shall be fined. At three o'clock the labor shall cease, and then if the people wish to remain and hear the reading of the laws, it shall be at their option to do it or not.

#### 4. Respecting Parents Who Have Numerous Families, and Also Respecting the Infirm.

Those parents who have a number of children, three or more, and neither of the children supported by their friends, or if some are thus supported and three remain, those parents sustain a heavy burden, and therefore the father shall not go to the field on labor days to work for the King, and they shall pay no poll tax on the year when the half dollar is required, but on the year when the full dollar is required, they shall pay a half tax.

These are the rules for those having three children. But it shall not be proper for any man to adopt the child of another for the purpose of avoiding the labor tax. He may however, adopt the children of his deceased relations and friends, when the children are thus left orphans.

If any parent have four children, and neither of them adopted by another, then that parent shall not go to the public labor, neither for the King nor for the landlords, nor shall they pay any poll tax.

If any parent have five, six, or more children, whom they support, neither of them being separated from the family, or if some do live separate from the rest, and five or six more remain, then those parents shall by no means be required to pay any poll, land, or labor tax until their children are old enough to work, which is at fourteen years of age. Then, for three years the boy shall pay a fourth of a dollar per year—the 17th and 18th years he shall pay half a dollar. After the 18th year he shall then for two years pay three-fourths of a dollar, and after he is twenty he is then an adult. The same rate shall be observed in relation to girls, they being adults when they arrive at twenty years of age.

The burden of parents who have numerous families may be further relieved, and their circumstances be rendered more pleasant, by increasing the size of their farms.

Furthermore, whenever a single individual has a large num-



ber of invalids living in his house, amounting to as many as four, he shall then inform the tax officers thereof, and if he perceive that the man is really burdened, then he shall neither go to the public labor of the King nor to that of the landlords. He shall take good care of them, and the amount of his land shall be increased, in order that they may be supplied with food; and on the year when the poll tax is a dollar he shall pay but half a dollar, and when the tax is half a dollar he shall pay nothing until some of the invalids are gone and he is relieved. Then he shall pay taxes and go to the public labor also, provided he is wholly relieved. And here is a word of advice for industrious landholders, tenants, landlords, sub-tenants, servants of chiefs, persons having no land, and vagrants. According to this book it is best to have one, and one only fixed business, and to engage in it with high hopes in Him who aids us by the rain from Heaven. Such a course would be a benefit to all who live and labor in our kingdom.

#### 5. Respecting Idlers.

As for the idler, let the industrious put him to shame, and sound his name from one end of the country to the other. And even if they should withhold food on account of his idleness, there shall be no condemnation for those who thus treat idlers.

If a landlord, or a chief should give entertainment to such a sluggard, he would thereby bring shame on the industrious. For three months the tenants of him who thus entertains the sluggard shall be freed from labor for their landlord. Such is the punishment of him who befriends the sluggard. Let him obtain his food by labor.

#### 6. Respecting applications for Farms, Forsaking of Farms, Dispossessing of Farms, and the Management of Farms.

No man living on a farm whose name is recorded by his landlord, shall without cause desert the land of his landlord. Nor shall the landlord causelessly dispossess his tenant. These are crimes in the eyes of the law. If any portion of the good land be overgrown with weeds, and the landlord see that it continue thus after a year and six months from the circulation of this law of taxation, then the person whose duty it is shall put that place which he permitted to grow up with weeds under a good state of

cultivation, and then leave it to his landlord. This shall be the penalty for all in every place who permit the land to be overrun with weeds. The same rule shall apply to sub-landlords and sub-tenants.

But if any man being in straitened circumstances, wish to leave his farm, or if he have business in another place, this is the course he shall pursue. He shall first give notice to his landlord, and having informed him, he shall then put the farm in as good a state as he found it, after which he may leave it.

Landlords, oppress not your tenants; condemn them not without a cause while they continue to do well. If a land agent do thus to his tenants, and dispossess them without a crime on their part, he shall pay a fathom swine to his tenant, and the tenant shall not be dispossessed.—Wherefore, ye landlords, land agents, and sub-landlords, do not thus to your sub-tenants—take not causelessly from them the products of their lands, nor their domestic animals, nor any other article which is not given you. All the avails of your own working days are yours. There is no penalty for the landlords who confine themselves to that right.

Furthermore, let every man who possesses a farm in the Hawaiian kingdom labor industriously with the expectation of there by securing his own personal interest, and also of promoting the welfare and peace of the kingdom.

Those men who have no land, not even a garden nor any place to cultivate, and yet wish to labor for the purpose of obtaining the object of their desire, may apply to the land agent, or the Governor, or the King for any piece of land which is not already cultivated by another person, and such places shall be given them. The landlords and King shall aid such persons in their necessities, and they shall not go to the field labor of the King and landlords for the term of three years, after which they shall go. But if neither the landlords nor King render them any aid until they bring such uncultivated ground into a good state of cultivation, and they eat of the products of the land without any aid, then they shall not for four years be required to go to the field on the labor days of the King, nor of the landlords. After these years they shall go to the field and also pay taxes. But the poll tax they shall always pay.

If any landlord wishes to transfer or lease any portion of his fields or uncultivated grounds, and the land agent object, he has a right to do so, if he designs to cultivate it himself. But if he wait a year and do not do it then the objections of the land agent

become groundless and he shall pay all the loss sustained by the landlord in consequence of his objections.

It is furthermore recommended that if a landlord perceive a considerable portion of his land to be unoccupied, or uncultivated, and yet is suitable for cultivation, but is in possession of a single man, that the landlord divide out that land equally between all his tenants. And if they are unable to cultivate the whole, then the landlord may take possession of what remains for himself, and seek new tenants at his discretion.

### 7. Of Residuum Lands.

All residuum lands which have been separated by the chiefs as residuums from the main plantation, district or state, are now to be restored to that portion of land to which they formerly belonged. Let the occupancy and business of each state, district, plantation and farm be clear and distinct, each by itself. Let no one take that which belongs to another, for this is the statute in relation to such persons.—If any one takes the residuum which belongs to another, then the farm of him who took the residuum shall be given to the owner of the residuum. Such is the penalty of those who seize residuums, their farm shall be given to those whose residuums were seized.

This edict does not apply to those pieces of ground which have been merely appropriated as building lots, and house yards; nor does it apply to those pieces of ground which have been set apart as the royal demesne lands, for such divisions were not taken as residuums. Nor does the edict apply to places which have been taken by the chiefs for the public interests of the King. Residuums proper, which were taken as such are the only ones to be restored, not however those residuums which were taken previous to the country's becoming subject to Kamehameha I.

On Hawaii, these are the residuums to be restored, those which have been seized since the battle of Mokuohai—on Maui all that have been taken since the battle of Kauwaupali—on Oahu all since the battle of Nuuanu—on Kauai all since the friendly meeting of Kaumualii with Kamehameha I, on shipboard. But possessors of house lots that are large like farm gardens, must aid the owners of the farms from which they were taken, in payment of the yearly tax.

8. Of free and prohibited Fishing Grounds. 1.—Of free fishing grounds.

His majesty the King hereby takes the fishing grounds from those who now possess them, from Hawaii to Kauai, and gives one portion of them to the common people, another portion to the landlords, and a portion he reserves to himself.

These are the fishing grounds which his Majesty the King takes and gives to the people; the fishing grounds without the coral reef, viz. the Kilohee grounds, the Luhee ground, the Malolo ground, together with the ocean beyond.

But the fishing ground from the coral reefs to the sea beach are for the landlords, and for the tenants of their several lands, but not for others. But if that species of fish which the landlord selects as his own personal portion, should go on to the grounds which are given to the common people, then that species of fish and that only is taboo. If the squid, then the squid only; or if some other species of fish, that only and not the squid. And thus it shall be in all places all over the islands; if the squid, that only; and if in some other place it be another fish, then that only and not the squid.

If any of the people take the fish which the landlord taboos for himself, this is the penalty, for two years he shall not fish at all on any fishing ground. And the several landlords shall give immediate notice respecting said fisherman, that the landlords may protect their fishing grounds, lest he go and take fish on other grounds.

If there be a variety of fish on the ground where the landlord taboos his particular fish, then the tenants of his own land may take them, but not the tenants of other lands, lest they take also the fish tabooed by the landlord. The people shall give to the landlord one-third of the fish thus taken. Furthermore, there shall no duty whatever be laid on the fish taken by the people on grounds given to them, nor shall any canoe be taxed or taboo'd.

If a landlord having fishing grounds lay any duty on the fish taken by the people on their own fishing grounds, the penalty shall be as follows: for one full year his own fish shall be taboo'd for the tenants of his own particular land, and notice shall be given of the same, so that the landlord who lays a duty on the fish of the people may be known.

If any of the landlords lay a protective taboo on their fish,

become groundless and he shall pay all the loss sustained by the landlord in consequence of his objections.

It is furthermore recommended that if a landlord perceive a considerable portion of his land to be unoccupied, or uncultivated, and yet is suitable for cultivation, but is in possession of a single man, that the landlord divide out that land equally between all his tenants. And if they are unable to cultivate the whole, then the landlord may take possession of what remains for himself, and seek new tenants at his discretion.

#### 7. Of Residuun Lands.

All residuun lands which have been separated by the chiefs as residuuns from the main plantation, district or state, are now to be restored to that portion of land to which they formerly belonged. Let the occupancy and business of each state, district, plantation and farm be clear and distinct, each by itself. Let no one take that which belongs to another, for this is the statute in relation to such persons.—If any one takes the residuum which belongs to another, then the farm of him who took the residuum shall be given to the owner of the residuum. Such is the penalty of those who seize residuuns, their farm shall be given to those whose residuuns were seized.

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These are the fishing grounds which his Majesty the King takes and gives to the people; the fishing grounds without the coral reef, viz. the Kilohee grounds, the Luhee ground, the Malolo ground, together with the ocean beyond.

But the fishing ground from the coral reefs to the sea beach are for the landlords, and for the tenants of their several lands, but not for others. But if that species of fish which the landlord selects as his own personal portion, should go on to the grounds which are given to the common people, then that species of fish and that only is taboo. If the squid, then the squid only; or if some other species of fish, that only and not the squid. And thus it shall be in all places all over the islands; if the squid, that only; and if in some other place it be another fish, then that only and not the squid.

If any of the people take the fish which the landlord taboos for himself, this is the penalty, for two years he shall not fish at all on any fishing ground. And the several landlords shall give immediate notice respecting said fisherman, that the landlords may protect their fishing grounds, lest he go and take fish on other grounds.

If there be a variety of fish on the ground where the landlord taboos his particular fish, then the tenants of his own land may take them, but not the tenants of other lands, lest they take also the fish tabooed by the landlord. The people shall give to the landlord one-third of the fish thus taken. Furthermore, there shall no duty whatever be laid on the fish taken by the people on grounds given to them, nor shall any canoe be taxed or taboo'd.

If a landlord having fishing grounds lay any duty on the fish taken by the people on their own fishing grounds, the penalty shall be as follows: for one full year his own fish shall be taboo'd for the tenants of his own particular land, and notice shall be given of the same, so that the landlord who lays a duty on the fish of the people may be known.

If any of the landlords lay a protective taboo on their fish,

when the proper fishing season arrives all the people may take fish, and when the fish are collected, they shall be divided—one third to the fishermen, and two thirds to the landlord. If there is a canoe full, one third part shall belong to the fishermen, and two thirds to the landlord. If the landlord seize all the fish and leave none for the fishermen, the punishment is the same as that of the landlords who lay a duty on the fish of the people.

If, however, there is any plantation having fishing grounds belonging to it, but no reef, the sea being deep, it shall still be proper for the landlord to lay a taboo on one species of fish for himself, but one species only. If the parrot fish, then the parrot fish only; but if some other fish, then that only and not the parrot fish. These are the enactments respecting the free fishing grounds, and respecting the taking of fish.

## 2.—Respecting the taboo'd fishing grounds.

Those fishing grounds which are known by the people to have shoals of fish remaining upon them, shall at the proper season for fishing be placed under the protective taboo of the tax officers, for the King. The fishing grounds on Oahu thus protected, are 1, Kalia; 2, Keeli; 3, Kapapa; 4, Malaekuli; 5, Pahihi; On Molokai, as follows: 1, Punalau; 2, Ooia; 3, Kawai; 4, Koholanui; 5, Kaonini; 6, Aikoolua; 7, Waiokama; 8, Heleiki. On Lanai the Bonito and the Parrot fish. On Maui, the Kuleku of Honnuala and other places.

On Hawaii, the Albicore.

On Kauai, the Mullet of Huleia, Anehola, Kahili and Hanalei, and the squid and fresh water fish of Mana, the permanent shoal fish of Niihau, and all the transient shoal fish from Hawaii to Niihau, if in sufficient quantity to fill two or more canoes, but not so small a quantity as to fill one canoe only. But if the fishermen go and borrow a large canoe, that all the fish may be put into *one*, then there shall be a duty upon them.

On the above conditions there shall be a government duty on all the transient shoal fish of the islands. The tax officer shall lay a protective taboo on those fish for his Majesty the King, and when the proper time for taking the fish arrives, then the fish shall be divided in the same manner as those which are under the protective taboo of the landlords.

If the tax officer seize all the fish of the fishermen, and leave none for those who take them, then he shall pay a fine of ten

dollars, and shall have nothing more to say respecting the royal taxes. But if the order for seizing all the fish of the fishermen was from the Governor, then he shall no longer be Governor, though he may hold his own lands, and the tax officer shall not be turned out of office. At the proper time the tax officer may lay a protective taboo on all the King's fish, and the landlords' all around the island. But it is not proper that the officer should lay the taboo for a long time. The best course is for the officer to give previous notice to the fishermen, and then the common people and the landlords to fish on the same day. Thus the rights of all will be protected.

But no restrictions whatever shall by any means be laid on the sea without the reef even to the deepest ocean. Though those particular fish which the general tax officer prohibits, and those of the landlords which swim into those seas, are taboo. The fine of those who take prohibited fish is specified above.

#### 9.—Advice to the Governors and Landlords.

It shall be the duty of those to whom the King gives lands to see that they do not establish other landlords under themselves but over the people. Let that business come to an end. The establishing of a multitude of landlords over the same tenant, the traveling of the people a great distance to the work of their landlords, and thereby leaving all the affairs of their lands in a bad condition, the harboring of a multitude of sluggards, and women too who do nothing, the chiefs and the landlords grinding their tenants, the making of feasts by higher ranks, for the purpose of getting the property of the poor; the taxing of those people who desire to do business with their landlords, and that too by the district and land agents, and without any fault on the part of the people, the landlords forcibly urging the people to trade contrary to their wishes; the unequal punishment of criminals by the judges—the proper name for those things mentioned in this section is—thievish seizure, unjust taking away, robbery, unjust taxation, unjust oppression, imposing unjust burdens—avarice. These are the wealth-destroying blasts which impoverish the kingdom. This conduct of the Governors and heads of districts, and chiefs, shall cease. Let no criminal act of the kind be done hereafter; for lo! these are the blasts of the land! Let none of the landlords under the King, and none of the land agents under them do any of all the things forbidden in this law.



If any one of the persons spoken of in this edict do any of the things forbidden in this law, he shall pay all damages sustained by him to whom he does the damage, and if he continue to do thus, his fine shall be, that he shall no longer be a landholder in these islands, and he shall be fined to half the amount of the property which was sought; such is the fine of those who set aside the directions of this section.

The business of the Governors, and land agents, and tax officers of the general tax gatherer, is as follows: to read frequently this law to the people on all days of public work, and thus shall the landlords do in the presence of their tenants on their working days. Let every one also put his own land in a good state, with proper reference to the welfare of his body, according to the principles of Political Economy. "The man who does not labor enjoys little happiness. He cannot obtain any great good unless he strives for it with earnestness. He cannot make himself comfortable, not even preserve his life unless he labor for it. If a man wish to become rich, he can do it in no way except to engage with energy in some business. Thus Kings obtain kingdoms by striving for them with energy." The divine teacher said to our first ancestors thus, "In the sweat of thy face thou shalt eat bread," and that is the business of those most particularly spoken of in this law. Reflect well on the meaning of the words spoken herein.

#### 10. The business of the chiefs the present year.

On the first year after the promulgation of this law it shall be the duty of the chiefs under his Majesty the King to read frequently what is herein written, and reflect well on the meaning of this new law of the kingdom, and search out encouragement for the people to labor with the animating hope that the sweat of the face will obtain its due reward—to sustain the requirements of this law in order that the kingdom itself may be regenerated—to select suitable times to be devoted to seeking the welfare of the officers of the kingdom, and your own also, and that of the landlords and common people, together with that of strangers who are permitted to dwell in these islands, that they may prosper and be happy. This is the business for which you should meet for consultation: to promote the welfare of the industrious and of others—to disperse those lazy persons who live in hordes around you, through whom heavy burdens are imposed upon

your laboring tenants; to look up agents capable of acting according to the requirements of this law, and tax officers both to aid the general tax gatherer, and to act on your own particular lands—to place your children and younger brothers in the High School of the nation—to seek for a higher kind of prosperity than that which we have heard existed under the reign of Kamehameha I, when the old man and woman, with the child, could sleep safely in the highway—to remove the ignorant land agents and those officers who tax the people unjustly. From which causes the people are oppressed and the kingdom impoverished. To put an end to every thing which is at variance with this law—to cherish that which will drive away the enemies of these islands—to put an end to your covetousness, by which the poor are dispossessed of that which is lawfully their own—to treat with kindness those who devote their strength to labor, till their tattered garments are blown about their necks, while those who live with you in indolence wear the clean apparel, for which the industrious poor have labored. Wherefore have compassion upon them in accordance with the requirements of that covenant to which you have sworn, “Love thy neighbor as thyself.” Let the chiefs reflect well on these duties in order that they may perpetuate their rank as chiefs on these islands. Scatter your people about upon the lands that they may cultivate them and become rich. Thus will their good will to us be increased, and thus the people of the kingdom will be eased somewhat of their burdens.

#### 11. Duties of the tax officers.

On the first year after the publication of this law, these shall be the duties of the tax officers which the governors appoint to aid the general tax gatherer:—the general tax gatherer shall instruct the agents of states, counties, districts, plantations and farms, that they all labor faithfully on the public labor days of the King, to grow that kind of produce which is best suited to each particular land in every part of the islands. Though cotton is a production which is considered by this law as very important. Let that be planted in abundance as a new source of wealth to these islands. That is a third article in which taxes will be received, of which the tax officer shall give universal notice. In the same manner as he prompts the people in relation to the money tax for the poll, and the perk tax for the land, so also he shall prompt them in relation to the growth of cotton. Other

kinds of produce may be cultivated at the option of the officers and people. If they are industrious their hopes will be realized. Let the tax officers see that the taxes are assessed in strict accordance with the requirements of this law—let them enumerate the people, male and female, together with the children who pay the yearly tax; and make a separate enumeration of the old men and women and those children who do not pay taxes—let them take a yearly account of the deaths and births, by which it may be ascertained whether the people of the kingdom are really diminishing in numbers or not, and by that means the amount of taxes can be known.

Furthermore, ignorant persons shall be no longer employed, neither as tax officers nor as land agents, for that is a means of oppressing the people and making them poor, they being so accustomed to impose burdens at will, and receive the property of others without pay. This is perhaps the reason why the people at the present time are so lazy, and work so feebly.

Ye landlords, to whom lands are given in charge, no longer rule your tenants in ignorance, lest the tax officers being enlightened in the principles of this book nullify your title as landlord, and we give the lands to those who are ready to aid the feeble portions of the community. The ignorant shall receive their proper reward, poverty, and the lands shall be given to other lords. This penalty, poverty, shall be the reward both of chiefs and people, if they act in reality contrary to the above.

## 12. The business of Females.

This is the appropriate business of all the females of these islands; to teach the children to read, cipher, and write, and other branches of learning, to subject the children to good parental and school laws, to guide the children to right behavior, and place them in schools, that they may do better than their parents. But if the parents do not understand reading, then let them commit the instruction of their children to those who do understand it, and let the parents support the teacher, inasmuch as they feel an interest in their children, let them feel an interest in the teacher too. But if any woman do not conduct according to the requirements of this section, then let her return to the labor of her landlord as in former times, to such labor however as is appropriate to women. The tax officers will look to and manage this business.

## 13. Of laying New Restrictions.

All the Governors are hereby forbidden to lay new burdens of their own invention on the lands. When you condemn any one unjustly, do not lay the blame on the laws of the kingdom, and when you lay grievous burdens on the people, do not cast the blame on his Majesty the King, nor on the law; do not behave thus, lest even the country people rise up before you and expound to you the meaning of this book. Wherefore execute none of your own peculiar plans unless the King first subscribe his name to what you wish to say to the people. The proper course is when any Governor perceives that some new crime is becoming prevalent, or perhaps makes some discovery which may be of value to the kingdom, or to the people, if carried into execution, for him then to give notice of his discovery to all the Governors, and when they signify their approbation, then present the same to the King, and if he suffix his name, then it becomes a law of the kingdom, for it is much better to execute such plans as will not be condemned by any of the sections of this law, that plan having been formed for the benefit of the kingdom, and been unanimously approved.

But those Governors, land agents, landlords and chiefs who set aside the edits of this book which regulate the taxes of the whole kingdom, and pursue a course unjust, burdensome to the poor, and oppressive to those who labor in employments to increase your wealth, a course to render destitute those who patiently endure fatigue and the scorching rays of the sun, who pretend that your oppression of the people is in accordance with the word of God; who punish the crimes of the lower classes in a manner at variance with the meaning of the law; who lay taboos on those employments by which the people seek to enrich themselves, especially if you perceive that a number of men are engaged in the same employment, and make it profitable, then you monopolize it to yourselves and forbid any to engage in it unless they pay a tax to you; who lay unequal taboos to enrich one class while they impoverish others who should be equally enriched while they do well; those agents of the general tax gatherer who compel the people who are destitute of money and pork to pay their taxes in articles which do not grow upon the land; and the compelling the people to go a great distance to labor for their landlords; whosoever of you does any of the things forbidden in this section, he shall pay all damages, and if he persevere in such

a course, he shall forfeit one third part of all his lands. If he afterwards continue to pursue the same course he shall forfeit another third, and if he continue still, he shall forfeit the remainder. [See, the eleventh section.] These lands, thus forfeited, the King will give, to those industrious persons who conform to this law. Such shall be the punishment of those high minded persons who set aside the requisitions of this law respecting the property of the kingdom.

Furthermore, those country people who search for knowledge, whoever they may be and in whatever part of the kingdom, if they write to me or my Premier, and we perceive that their proposition is a good one, it shall then be adopted as a statute of the kingdom. The Governors and the King too will suffix their names to the writing. They will also promote such seekers after knowledge to higher stations, and make them officers in their various places. And such persons shall receive one tenth part of the King's income at their station, and also one tenth part of the land agent's income. Such is the reward which his Majesty offers to all in the kingdom who act as above, and they shall moreover be admitted to the council of the nation.

Furthermore, whoever of the country people engages vigorously in any new employment, not practiced in this country before, and if it prove to be a valuable business to the nation, and to those who engage in it, and if it was previously unknown, then this is the decision in relation to such a man. He shall be freed from public labor on all the labor days both of the King and of the land agents, and from all public labor of the kingdom. He shall pay no yearly money tax, and the King will give ten dollars to the man who thus searches out a new business, provided the business be continued. Such is the reward which his Majesty the King offers to all who search out a new employment in any part of the kingdom of the Hawaiian Islands.

#### 14. Respecting the descent of lands to heirs.

Be it furthermore enacted in relation to lands which Kamehameha I, and Kamehameha II, gave to land agents, that after the publication of this law respecting taxation, whenever any one of those land agents dies, his heir shall render an account to his Majesty the King of the lands which belonged to the deceased, and these shall return one third of those lands to the King. According to this rule, all the lands, whether few or many

of every man who dies shall be divided. But if two months elapse after the death of any person, and the heir neither present himself before the King nor send a written notice, then the lands of the heir shall be divided equally. Hereafter, the lands of all heirs shall be divided thus, when the King is not notified. If the deceased, however, had but one farm, that shall descend to his heir. If he have two farms, then one half of one of them shall revert to the King. From this time forth, the King and his Premier must be informed of all bequests of lands, and whatever relates to the heirs. But if the deceased have no heir at all then his land and all his property shall be the King's. Thus it is ordained in relation to the land agents of his Majesty the King, and also in relation to the land agents under them over the common people. But the lands of orphans, widows and old men shall be protected by the land agents: let not the heirs however among the common people forget the directions of their landlords.

If any one spoken of in this law seize the land of lawful heirs, which is protected by this law, the punishment shall be as follows: two thirds of the income of said land obtained by the new landlord in a year shall be delivered to the heir, and it shall be thus delivered each year for four successive years, and then the land shall belong to the new landlord. The fine shall be the same for those who apply to the King for lands occupied by heirs of the deceased, though if the heir do better than the deceased, *his third shall not be restored to the King*. And if the deceased person have children of his own, then the King will not take the third, nor the third of him who does better than the deceased person. But if that heir had been enriched by previously being heir to another chief, the King will then take the third.

#### 15. Of the division of Water for irrigation.

In all places which are watered by irrigation, those farms which have not formerly received a division of water, shall when this new regulation respecting lands is circulated, be supplied in accordance with this law, the design of which is to correct in full all those abuses which men have introduced. All those farms which were formerly denied a division of the water, shall receive their equal proportion. Those bounties which God has provided for the several places should be equally distributed, in order that there may be an equal distribution of happiness among all those who labor in those places. The allowance of water shall be in

proportion to the amount of taxes paid by the several lands. For it is not the design of this law to withhold unjustly from one, in order to unjustly enrich another according to the old system which has been in vogue down to the present time. That the land agents and that lazy class of persons who live about us should be enriched to the impoverishment of the lower classes who with patience toil under their burdens and in the heat of the sun is not in accordance with the designs of this law. This law condemns the old system of the King, chiefs, land agents and tax officers. That merciless treatment of common people must end. If the Governor think proper to adopt a protective policy, let him protect all alike, and there shall be an equal division of protected articles, in order that every man may obtain the object of his desire according to the amount of his labor. Such is considered to be the proper course by this law, regulating the property of the kingdom; not in accordance with the former customs of the country which was for the chiefs and land agents to monopolize to themselves every source of profit. Not so with this law.

Here follow some further explanations respecting the system of taxation. These seven sections which follow, are designed to explain and enforce what has been previously said.

#### 16. Respecting the variations in taxes.

The first year after the promulgation of this law, throughout the different islands of this group, the poll shall pay but half tax, thus: a man, half a dollar; a woman, a quarter of a dollar; a child over fourteen years of age, one eighth of a dollar. On that year the lands shall pay a full tax. But on the second year, the lands shall pay but half tax. The fathom swine shall be but a yard in length, the three cubit swine shall be a cubit and a half, and the swine of a yard's length shall be only one cubit long. In failure of the yard swine, five dollars; in failure of the cubit and a half, three dollars and three quarters; in failure of the one cubit, two dollars and a half. The rule shall be the same if the tax be paid in any other property than the two articles mentioned. On that year, the poll shall pay a full tax, and this yearly variation shall be perpetual. If the poll pay a full tax, the lands shall pay but half tax, and if the lands pay a full tax, the poll shall pay only half in that year.

## 17. The business of the chiefs.

Ye chiefs of the nation, reflect well on these fundamental laws of the kingdom. From this time change your course of procedure. A change in accordance with this law, will be both more just and be really better for yourselves. The multitude of people who live with us in idleness, or do but little, which we falsely supposed to be a business style of living, let that cease. The perquisites of your office held in this country from of old, are to be the avails of your lands obtained on all your working days. Those are yours—also one tenth part of the yearly taxes collected from your lands, is yours, not however the poll tax. But the chiefs who do not belong to the council, are not included; their standing shall be that of landlords, though by improvement in their manner of conducting business they will rise to the same rank, by seeking the welfare of the laboring classes, that they may enjoy full protection, and also by promoting the happiness of the weak, and of strangers from other lands.

## 18. Respecting Landlords.

Reflect well, all ye landlords of the kingdom, on all the regulations of this law, lest you be dispossessed, according to the principles of the eleventh section. Search for your wealth on your own labor days, search out such kinds of business as will enrich the country, and those tenants who live upon the lands under you, that the high and the low may be under the like subjection to the same laws enacted by the chiefs for the protection of the kingdom. On the second year after the promulgation of this law, which is the year on which a full poll tax is paid, those landlords who do not belong to the national council shall pay to the King one tenth part of all the avails of their labor days. On the year which pays but a half tax on the poll, the landlords shall pay to the King one fifth of their income, and this shall be a perpetual tax of the kingdom on the landlords, having an annual change in the proportion.

## 19. Respecting officers to be appointed anew.

This explanatory section is for all those officers that are newly appointed to enforce these laws of the kingdom, and also for all those who are called officers. You are appointed as persons to



assign labors in perfect accordance with the requirements of this law. If you see the chiefs, landlords, or any other people doing that which is forbidden in this law, you are to give them correct information of the crime they are committing—the crime of seizing those articles which are said to belong to the common people. You are to give notice of those acts which not being well understood, and liable to involve the actors in difficulty, that the idler is to be punished with hunger and poverty—that it is the duty of the people to labor for that property which is appropriate to the several farms all round the island—to superintend the numbering of the people, including children and feeble persons, also the deaths and births in each year—to search out a course by which those parents who have a multitude of children, may retain them without having them separated from each other, and by which an individual having the charge of several feeble persons may be able to support them—to consult with the landlords as to what kind of production is most appropriate to their several lands, according to the suggestions of this law—to reflect well on the means by which the amount of property may be increased each year above that of the preceding, that it may be ascertained also whether there really is an increase of property on the islands or not.

#### 20. Tabooed articles on the mountains.

Of all the things which grow spontaneously on the mountains, the landlord can taboo nothing for himself, except one kind of timber; this however does not apply to timber prepared by the hand of man; that is his. If any of the common people take the timber which the landlord has tabooed for himself, he shall pay one of every two sticks to the landlord, however many he may have taken. His Majesty the King taboos the sandal wood for himself. The visitors of the mountains shall not touch that timber, until such time as the King shall say, when all the people may cut it by paying two thirds to the King, reserving one third to themselves. He also taboos all large trees such as one man cannot clasp. That tree shall not be felled for nothing. It may be cut for canoes, paddles, and such great works as small timber will not answer for. The landlord or tax officer must be previously notified, but no other person. Whoever violates the taboo on those trees, and fells without reason a large tree, or breaks down the small shoots of sandal wood in the mountains,

shall be fined one hundred rafters each five yards long. But if the man be furnished with a whip-saw, they are the third class of persons who may cut large trees of the forest, but not sandal wood. But the Oo and Mamo shall remain taboo as of old. But there is one thing that is taboo on all the mountains of the land, that is, to kindle fires and burn up all the verdure of the mountains. Whoever does this shall be punished according to the aggravation of the offence. If the crime be small the fine shall be less; if large then he shall be fined by being put to hard labor for two years and a half. Such is the punishment of all who kindle fires on the mountains.

#### 21. Of the application of the laws.

During the ensuing six months, the governors and landlords shall settle the difficulties in relation to residuum lands, and other difficulties also; first let the difficulties on the manner of doing business be settled; establish your men on your lands, that they may be well off; seek a reward for the laboring class according to the amount of labor performed; and all officers shall be rewarded according to their correctness in transacting business. After six months from this time, chiefs, landlords and people shall be punished for all violations of this law, according to the within requirements.

#### 22. Respecting the council of the Nobles.

In the fore part of April the Nobles shall meet in council to consult on the welfare of all who reside in the kingdom. By such a course the Nobles may perpetuate their rank above the people, in subservience to all the laws of the kingdom to which you give your assent.

But for a man to engage in only one kind of business is the surest way to enrich the nation; thus, one engage in agriculture, another in the fisheries, another in canoe building, another in house building, another in trade; each important business of the nation having a separate class of laborers, in accordance with the opinion of the skilful.

All taxes assessed previous to the enactment of this law, shall be paid, and all labor previously given out shall be performed in full, after which the old system shall end.

proportion to the amount of taxes paid by the several lands. For it is not the design of this law to withhold unjustly from one, in order to unjustly enrich another according to the old system which has been in vogue down to the present time. That the land agents and that lazy class of persons who live about us should be enriched to the impoverishment of the lower classes who with patience toil under their burdens and in the heat of the sun is not in accordance with the designs of this law. This law condemns the old system of the King, chiefs, land agents and tax officers. That merciless treatment of common people must end. If the Governor think proper to adopt a protective policy, let him protect all alike, and there shall be an equal division of protected articles, in order that every man may obtain the object of his desire according to the amount of his labor. Such is considered to be the proper course by this law, regulating the property of the kingdom; not in accordance with the former customs of the country which was for the chiefs and land agents to monopolize to themselves every source of profit. Not so with this law.

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shall be fined one hundred rafters each five yards long. But if the man be furnished with a whip-saw, they are the third class of persons who may cut large trees of the forest, but not sandal wood. But the Oo and Mamo shall remain taboo as of old. But there is one thing that is taboo on all the mountains of the land, that is, to kindle fires and burn up all the verdure of the mountains. Whoever does this shall be punished according to the aggravation of the offence. If the crime be small the fine shall be less; if large then he shall be fined by being put to hard labor for two years and a half. Such is the punishment of all who kindle fires on the mountains.

#### 21. Of the application of the laws.

During the ensuing six months, the governors and landlords shall settle the difficulties in relation to residuum lands, and other difficulties also; first let the difficulties on the manner of doing business be settled; establish your men on your lands, that they may be well off; seek a reward for the laboring class according to the amount of labor performed; and all officers shall be rewarded according to their correctness in transacting business. After six months from this time, chiefs, landlords and people shall be punished for all violations of this law, according to the within requirements.

#### 22. Respecting the council of the Nobles.

In the fore part of April the Nobles shall meet in council to consult on the welfare of all who reside in the kingdom. By such a course the Nobles may perpetuate their rank above the people, in subservience to all the laws of the kingdom to which you give your assent.

But for a man to engage in only one kind of business is the surest way to enrich the nation; thus, one engage in agriculture, another in the fisheries, another in canoe building, another in house building, another in trade; each important business of the nation having a separate class of laborers, in accordance with the opinion of the skilful.

All taxes assessed previous to the enaction of this law, shall be paid, and all labor previously given out shall be performed in full, after which the old system shall end.

This law was enacted on the 7th of June, in the year of our Lord one thousand eight hundred and thirty-nine.

At a subsequent examination of the Nobles certain changes were made, to which we have set our names this ninth day of November in the year of our Lord one thousand eight hundred and forty, at Lahaina, Maui.

(Signed) KAMEHAMEHA III.  
KEKAULUOHI.

## CHAPTER IV.

### OF LAWS WHICH ARE NOT OF UNIVERSAL APPLICATION.

In the constitution, it is stated what laws are applicable to the kingdom at large. A single Noble cannot make a law, not even his Majesty the King, but the Nobles must assemble according to the requirements of the constitution. Wherefore if a single Governor pursue an incorrect course, the fault is his own; it does not attach to the kingdom, until the King and Premier approve the act; then the kingdom is involved.

There are many little evils existing in villages, which the general laws of the nation cannot correct, for the circumstances of one village are unlike the circumstances of another village, wherefore, the following edicts have been agreed to:

1. If the people of any village, township, district, or state, consider themselves afflicted by any particular evils in consequence of there being no law which is applicable, it shall be lawful for them to go to a tax officer, judge, or any chief, and he shall give notice to all the people of the place, who may assemble at the place mentioned by the officer. Then they may devise a law which will remedy their difficulties. If they shall agree to any rule, then that rule shall become a law for *that* place, but for no other. It shall not however be in their power to make any law which is at variance with any law of the kingdom, nor on a subject of universal importance.

But laws respecting roads, fences, animals, and all such like things they may pass.

2. All private individuals also shall enjoy the same privilege. Any man may make a law which shall be applicable to his own premises, and if a man makes the law of his land, his yard or

his house clearly understood before hand, that law is binding, and whosoever violates, shall pay the penalty according to the requirements of the law, though no such law can be at variance with the general spirit of the laws of the nation, nor can there be an oppressive law nor one of evil tendency.

These edicts having been passed by the Nobles, we have hereunto set our names this ninth day of November in the year of our Lord one thousand eight hundred and forty, at Lahaina, Maui.

(Signed) KAMEHAMEHA III.  
KEKAULUOHI.

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## CHAPTER V.

### OF POLICE OFFICERS AND CONSTABLES.

1. It shall be the duty of the several Governors to appoint constables and Peace officers for the protection of the people and villages. The Governor shall act in this thing according to his own discretion. If the village be large, there must be a greater number of constables. If the village be smaller, there may be a smaller number of constables, at the discretion of the Governors. If the Governor be embarrassed in any respect, and therefore think it best to appoint a new officer over any kind of business, he may do it at his discretion.

The badge of the constables shall be a little stick, made round, with the name of the King at the top of it. And it shall be his duty always to carry the badge, that he may be known as a constable. If he does not carry the badge, it will be improper for him forcibly to seize a man, lest it be thought that he is not a constable, and a quarrel ensue. In such a case the blame will attach to the police officer. But if he carry his badge and any one resist him and hurt him, then the blame will attach to the man, and the officer will be faultless.

2. It shall be the duty of the police officers to watch, spy out and detect criminals, carry them to, and deliver them up to the judges, who will bring them to trial. It shall be their duty to seize all persons who violate the laws, and in case of a quarrel or a mob, it shall be their duty to restore or demand peace, and seize the guilty persons. If any peace officer know of a person's committing a crime, and do not seize him or make it known to the judge, he shall be punished to one half the amount which the criminal would have been. And if they merely hear of disorder



or mischief, it shall be their duty to go and see, for the purpose of quelling it. If any one of them receive a bribe, and therefore conceal crime, he shall be fined to four times the amount of the bribe which he received; then if the bribe he received was one dollar, his legal fine shall be four dollars.

3. If any man, not being a police officer, shall carry the badge of one, he shall be fined five dollars. If a police officer shall seize a man entirely without grounds or without any reasonable ground of suspicion, he shall be fined ten dollars and pay all damages sustained by the person thus groundlessly seized. If a police officer attempt to seize a man and he resist, the man shall be fined ten dollars, even though he do not wound the officer. But if the officer be wounded by him he shall then be fined in the same manner as all others guilty of assault.

If any man aid a person whom the police officer attempts to apprehend, his fine shall be ten dollars for his opposition to the officer, and if the criminal actually escape in consequence of his aid, he shall be fined again, at the discretion of the judges, but not to a higher amount than would have been paid by the criminal, whom he rescued. But if the police officer be wounded by him he shall be fined again, as all men are who commit assaults.

The police officers shall be paid for their services in the following manner: If a police officer seize a man for crime and he be tried and convicted, then one fourth part of the fine shall go to the police officer. The same also shall be the reward of all men. Whoever has knowledge of a crime and enters a complaint to the judges, shall receive one fourth of the fine.

This law shall go into operation on the first day of January, in the year of our Lord 1841, in all places on these Islands.

This law was passed at a council of the Nobles held at Lahaina, Maui, and receives our signatures this tenth day of November, in the year of our Lord 1840.

(Signed) KAMEHAMEHA III.  
KEKAULUOHI.

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## CHAPTER VI.

### QUARANTINE LAWS.

Whereas, it has been clearly ascertained that the small pox has prevailed on board of one or more ships now cruising in the Pa-

cific Ocean, which may be expected to visit the Sandwich Islands, and whereas that disease is understood to prevail at the present time in ports on the western coast of America, frequently visited by ships on their way to the Sandwich Islands; therefore,

Be it enacted by the King and Nobles of the Sandwich Islands in council assembled,

1. That after the promulgation of this law, all canoes and boats, and all persons not authorized by the Board of Health, are prohibited from visiting any foreign ships whatsoever, until she shall have been examined by a Health Officer, or one of the Board of Health, as hereafter named, and pronounced healthy. And whosoever shall visit any ship contrary to this law shall forfeit forty dollars, to be paid one half to government and the other half to the person who shall give information of the same.

2. All vessels having the small pox, or any other contagious disease on board, and all vessels having had any contagious disease on board within a period less than four months, are hereby prohibited from anchorage at any port, harbor or roadstead of the Sandwich Islands, until visited by a Health Officer or by one of the Board of Health, and having received his approbation. And any master or officer of any such vessel, who shall land or permit to be landed any person or persons affected with a contagious disease or any article containing such contagion, shall, on being duly convicted thereof, be fined not more than one thousand dollars, or be imprisoned one year.

3. All vessels having had contagious diseases on board as above, on arrival at the Sandwich Islands, or at any port thereof, shall be entirely at the direction of the Board of Health, for a period not more than forty-two days. And all vessels quarantined, or laid under restrictions as above, shall keep constantly flying, during the day, a yellow flag at the main top. And whosoever shall go on board any vessel thus put under the yellow flag, shall forfeit forty dollars, and shall be entirely at the direction of the Board of Health for a term not longer than forty-two days.

4. For the purpose of carrying into execution the above regulations, it shall be the duty of the several Governors to set apart a Board of Health for each of the harbors of the Sandwich Islands. And said Board of Health shall have full power to enact such laws and regulations as may be necessary to protect the health of their several places. They (the Governors) shall also appoint health officers, whose duty it shall be to examine every

vessel suspected of having a contagious disease on board, and the health officer shall be entitled to receive from the master of every vessel thus examined by him, five dollars.

Done at Honolulu, on this 29th day of May, in the year of our Lord, one thousand eight hundred and thirty-nine.

(Signed by the King.)

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## CHAPTER VII.

### A STATUTE FOR THE REGULATION OF SCHOOLS.

The basis on which the kingdom rests is wisdom and knowledge. Peace and tranquility cannot well prevail in the land, unless the people are taught in letters, and in that which constitutes prosperity.

If the children are not taught, ignorance must be perpetual. The children of the chiefs cannot prosper, nor any other children, therefore be it enacted,

1. Wherever there is any number of parents having fifteen or more children of a suitable age to attend school, if they live near each other, in the same village, or in the same township, it shall be their duty to procure themselves a teacher, which they shall do in the following manner. The tax officer shall give notice by a crier of the time and place at which all the male parents of the township, district or village shall meet, and they shall choose three of their number as a school committee for that place. If the number of children in any village be less than fifteen, then their fathers shall unite with another company near by.

2. Said school committee shall then apply to the general school agent, spoken of below, and they together shall look out a teacher for that place. If there are but few children, then there shall be but one teacher, if more, then two teachers, and if the children are very numerous, then there shall be three or more teachers as they shall think best.

3. When the teacher is obtained, then the general agent, the teacher and the school committee shall agree as to the wages. If the teacher have no land and they shall agree in the opinion, that it is important that he should have some, then the general school agent shall endeavor to secure some which is not occupied, and that land shall be given to the teacher, but not in perpetuity.

When he shall cease to act as teacher then the land shall revert to government. But if the land do not afford the teacher a full support, then they shall furnish him with as much more as they shall agree to be necessary. It shall be furnished from the avails of the King's labor days and from the yearly tax, but not the poll tax.

The general land agent shall have power to take the unoccupied lands of the landlords, but he shall give previous notice to the landlords, that there may be a mutual understanding between them.

4. Furthermore, it shall be the duty of the children to be generous to their teacher, and aid him by working on his land, according as they shall agree, or according to their good will.

5. A further reward to the teachers of schools shall be freedom from all public labor for the chiefs and land agents, and neither they nor their wives shall pay any poll tax while they are acting as teachers of schools.

6. It is not proper that all teachers should be paid alike. A very wise teacher who is exceedingly laborious in his business, and has many pupils, should be paid a high price, while he who is less wise and less laborious in his business should be paid a lower price. But no person is by this law considered a teacher unless he have a teacher's certificate from the general school agent.

7. If the school committee perceive that the avails of the land given by the King to the teacher are more than they agreed that the teacher should have, then they shall take the charge of the surplus for the benefit of some other schools, and if the property be such as that the care of it is a burden, then the school committee shall receive one tenth in payment for their care.

8. At all places where the children are in want of a school house, the tax officer shall notify the people, and they shall build it under the direction of the school committee. And inasmuch as the labor is not such as concerns the chiefs only, but is alike for the benefit of the people and the rulers, it shall be considered as national work, then even transient persons and servants shall labor.

9. The proper ages for children to go to school shall be considered to be from four years and upwards to fourteen years of age. If any man have a child of a suitable age to go to school, but below eight years of age, and do not constantly send him to school, then that parent shall not be freed from the public labor of the King and the land agent, on the labor days, whatever may

be the number of his children, neither shall his portion of land be increased, nor shall he be permitted to cut on the mountains such kinds of timber as the King gives to the people. All those kinds of timber are taboo to those parents who send not their children to school. Nor shall those parents fish on those fishing grounds which the King gives to the people. Those parents have a preference for darkness, therefore let the taboo's of those times of darkness apply to them.

But if a child be more than eight years of age and do not go to school, then the fault shall not be considered as the parent's only, but the child's also. That child shall go to the public labor of the King and land agents on all labor days. No child (over eight years of age,) who does not go to school, shall be freed from public labor; they shall all go to work.

10. Children when at school are required to be quiet, and listen to the instruction of the teacher. But if any one is mischievous, the teacher shall be allowed to administer to him proper correction, but not improper. If the school becomes disorderly and the teacher is tried thereby, or on account of the misconduct of some particular pupil, then the teacher and school committee may consult together and act according to their mutual judgment.

In time of school it is not proper for children to go a distance from home. In time of vacation they can go, and when the school begins anew then return. Though if a child be afflicted by the sickness of a parent or some near relation, (or some other cause,) he may go, by giving previous notice to the teacher.

But it shall be illegal for the teachers to hinder those of their pupils who desire to enter into the marriage relation, or those who wish to remove to another place with their parents, but when they thus remove, they must enter the school at that place.

11. If a teacher fail of doing his duty, and become negligent or guilty of a crime, then he shall be brought to trial before the school committee and general school agent of the place, and they shall decide respecting him. If it is their judgment to diminish his wages, or even take away his office as teacher and withhold his whole wages, they shall have a right to do it.

Whenever a teacher is dismissed or dies, then his land, house and yard shall revert to the King, and shall be under the care of the school committee, who shall give them to another teacher. Though if he built his own house or paid his own property for it, or if his house was included in his wages which he received as teacher, then the house shall not be given up.

12. It shall be the duty of the school committee to encourage the parents in whatever will promote the education of their children, and shall also themselves encourage the children to go to school and acquire knowledge, and shall aid the teacher in whatever is necessary for the prosperity of the school. The school committee must do these things gratuitously—they will receive no pay, for it is but a small amount of labor which they will perform.

13. There shall also be annually appointed certain men of intelligence as general school agents, as follows, one for Hawaii, one for Maui, one for Molokai, one for Oahu, one for Kauai, and one superintendent of the whole. They shall be appointed by the legislature at their annual meeting. These persons shall be the school agents for the year.

14. The business of the general school agents shall be to consult with the school committees and teachers in accordance with what is before stated. The general school agents shall superintend, manage and provide for the teachers, and shall encourage them and their scholars. They also shall be the Judges of the law in relation to schools. The Supreme Judges are the only persons above them. They shall report to their superintendents their various acts, and the result of their observation, and the superintendent shall report to the legislature at the annual meeting. Their pay shall be as follows; when they are travelling to examine schools, the land agents shall furnish them food and necessaries, and they shall be paid twenty-five dollars a year of government property, but not money.

15. Furthermore, those scholars which attend the Mission Seminary at Lahainaluna, shall be freed from the money tax, and all public labor of the chiefs, and all scholars that go to school to learn geography, arithmetic, and other higher branches taught in the higher schools, those scholars shall not go to the public labor of the chiefs and land agents till they become eighteen years of age.

16. The regulation of this section applies only to children born during the reign of Liholiho, and during the present reign of Kamehameha, but does not apply to those born previous to these reigns.

No man born since the commencement of the reign of Liholiho, who does not understand reading, writing, geography and arithmetic shall hold the office of Governor, Judge, Tax officer, nor land agent, nor hold any office over an other man, nor shall

a man who is unable to read and write marry a wife, nor a woman who is unable to read and write marry a husband. But this edict does not apply to those who were born previous to the reign of Liholiho.

17. If any one suffer a misfortune which is the cause of his ignorance, if his sight be defective, or if he lives in a solitary place distant from school, or is unfortunate in any other manner, which is the reason of his ignorance, and still his or her mind is made up to marry a wife or husband, then he or she may go to the Governor who shall make inquiry, and when it becomes clear to him that the person's ignorance is not the result of laziness but a real misfortune, it shall then be the duty of the Governor to give him or her a certificate of marriage.

18. Furthermore, it shall not be proper for the general school agent to give the teacher's certificate to ignorant persons, nor to persons known to be vicious or immoral. If a man can read, write and understands geography and arithmetic, and is a quiet and moral man, and desires a teacher's certificate, it shall be the duty of the school agent to give him one, and not refuse.

19. Furthermore, all the tax officers are required to listen to the commands of the general school agents, when they give orders for the payment of the teacher or teachers, in accordance with the requirements of this law, or when they give orders for rebuilding school houses. The tax officers shall obey the requirements of this law. But they shall notify the Premier of all the property which they pay over to the school agents or teachers.

20. By this law, the statutes enacted in relation to schools, on the 15th of October, 1840, are repealed. When this law is published, on the day that it takes effect, then that law shall be no longer regarded. But school committees regularly appointed shall hold their office through the year, when if the people choose they may appoint new ones. Furthermore, all lands regularly given to the teachers in accordance with the regulations of that law, are confirmed to the teachers by this new law, in the same manner as lands newly given out by the general school agents.

The day on which this law shall take effect shall be as follows. Should it be proclaimed in any village or township, then the day on which it is proclaimed shall be the day of its taking effect in that place. But if it is not proclaimed, then it shall take effect on the first day of September next, in all places in the Hawaiian Islands.

All the requirements of this law having been agreed to by the

Nobles and by the Representatives, we have set our names to the same, this twenty-first day of May, in the year of our Lord, one thousand eight hundred and forty-one, at Lahaina, Maui.

(Signed) KAMEHAMEHA III.  
KEKAULUOHI.

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## CHAPTER VIII.

### LAW RESPECTING THE MAKING OF ROADS.

If any Governor wish a road made, he shall appoint three surveyors who shall lay out the road. And the people also may do the same. If they wish a road made they may proceed according to the directions in Chapter IV. But this law is enacted for the further regulation of the subject.

1. If it be desired to make a new road, it shall be done as follows. There shall be three men appointed who shall estimate the amount of property sacrificed by means of the road. Those interested in the road shall make the appointment, if the Nobles, then they shall appoint, or if the people, then they shall appoint.

2. If any man's house stand in the contemplated road, then the committee of three shall estimate the amount which said man ought to receive for the damage he sustains in the loss of his house. And he shall be paid according to their estimate. The same also in case a taro pond or other property be damaged by the road. The owner shall be paid according to the estimate of the three men.

3. If the road cuts the various plantations alike or nearly so, and does not cut them so as to occasion much damage, but in such a manner that the loss and gain too are mutual, then there shall be no damages paid for the loss of land by the roads. No man can refuse to give up his land for a road. The decision shall rest entirely with the committee.

4. If the chiefs are the persons who direct respecting the road, then they shall pay the damages sustained by the road. If the road is made at the direction of the people, then they shall pay the damages sustained.

This law was enacted on the eleventh day of November, in the year of our Lord 1840, at Lahaina, Maui.

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be the number of his children, neither shall his portion of land be increased, nor shall he be permitted to cut on the mountains such kinds of timber as the King gives to the people. All those kinds of timber are taboo to those parents who send not their children to school. Nor shall those parents fish on those fishing grounds which the King gives to the people. Those parents have a preference for darkness, therefore let the taboo's of those times of darkness apply to them.

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19. Furthermore, all the tax officers are required to listen to the commands of the general school agents, when they give orders for the payment of the teacher or teachers, in accordance with the requirements of this law, or when they give orders for rebuilding school houses. The tax officers shall obey the requirements of this law. But they shall notify the Premier of all the property which they pay over to the school agents or teachers.

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3. If the road cuts the various plantations alike or nearly so, and does not cut them so as to occasion much damage, but in such a manner that the loss and gain too are mutual, then there shall be no damages paid for the loss of land by the roads. No man can refuse to give up his land for a road. The decision shall rest entirely with the committee.

4. If the chiefs are the persons who direct respecting the road, then they shall pay the damages sustained by the road. If the road is made at the direction of the people, then they shall pay the damages sustained.

This law was enacted on the eleventh day of November, in the year of our Lord 1840, at Lahaina, Maui.

(Signed) KAMEHAMEHA III.  
KEKAULUOHI.

## CHAPTER IX.

A LAW FOR THE REGULATION OF HAWAIIAN  
WEIGHTS AND MEASURES.

The weights and measures approved by the Hawaiian laws are those of Massachusetts. The yard, the gallon, the ton and the pound are all in accordance with the weights and measures of Massachusetts. If weights and measures of any one do not accord with these, they are not approved by this law.

Here follows a full explanation.

## 1. If any one speaks of

1 Foot	it shall be	12 Inches,
1 Yard	"	3 Feet,
1 Fathom	"	2 Yards,
1 Chain	"	11 Fathoms,
1 Furlong	"	10 Chains,
1 Mile	"	8 Furlongs.

## 2. If any one speaks of

1 Pound	it shall be	16 Ounces,
1 Quarter	"	25 Pounds,
1 Hund. wt.	"	4 Quarters,
1 Ton	"	20 Hundred weight.

The weights used in weighing heavy articles are those of Massachusetts.

## 3. In measuring cloth and such like things, when one speaks of

1 Nail	it shall be	2½ Inches,
1 Quarter yard	"	4 Nails,
1 Yard	"	4 Quarters,
1 Fathom	"	2 Yards,
1 Pio	"	3 Yards.

This measure also is like that of Massachusetts.

## 4. In the measurement of liquids, when any one speaks of

1 Pint	it shall be	4 Gills,
1 Quart	"	2 Pints,
1 Gallon	"	4 Quarts,
1 Hogshead	"	63 Gallons,
1 Pipe	"	2 Hogsheads,
1 Ton	"	2 Pipes, or 252 gals.

These are the weights and measures adopted in this country,

not like those now used in Great Britain, but like those formerly used there, and now used in Massachusetts.

5. If any one uses weights or measures at variance with those mentioned above, and in consequence of such variance the one with whom he trades suffers loss, or if he uses them deceitfully, he has broken this law and shall be dealt with as a thief.

This law shall take effect on the first day of January, in the year of our Lord 1841.

This law was enacted by the Nobles of these Hawaiian Islands, on this twelfth day of November, in the year of our Lord 1840, at Lahaina, Maui.

(Signed) KAMEHAMEHA III.  
KEKAULUOHI.

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## CHAPTER X.

### OF MARRIAGE AND DIVORCE.

From the time of Kaahumanu down, the laws which she established over the kingdom in relation to marriage have been valid, and they are still so at the present time.

Her's were as follows:

"It is illegal for one man to have two wives.

"It is illegal for one woman to have two husbands.

"A man cannot cast off his wife at his pleasure.

"A woman cannot cast off her husband at her pleasure.

"If a man and woman are agreed to live together as man and wife, and there is nothing in the way to render it illegal, then let them marry in accordance with the word of God.

"But those persons who are united according to the former customs of this country, and are still living together, one man and one woman, and there is nothing to render their union illegal, their union is hereby confirmed anew in the same manner as those who are married.

"But from the present time all persons are prohibited from uniting together according to the former customs, it is proper to marry."

Here also are some further explanations.

If two persons wish to marry, it is not proper to act hastily, but proceed cautiously, in order that one may become acquaint-

ed with the character of the other, lest difficulties arise after marriage.

Furthermore, it is improper for an old woman to marry a boy, and also for an old man to marry a girl, but it is peculiarly proper that their ages be near alike.

Wherefore it shall be the duty of school teachers and also of those priests who solemnize marriages to instruct men and women in these particulars.

THE FOLLOWING PERSONS ARE PROHIBITED FROM MARRIAGE.

I. A boy who has not arrived to fourteen years of age.

II. A girl who has not arrived to twelve years of age.

III. A man who has a wife living, and has not obtained a written divorce together with the consent of the Governor for him to marry again, he shall not marry.

IV. A woman whose husband is living, and has not obtained a written divorce together with the consent of the Governor for her to marry again, she shall not marry.

V. A boy under the age of twenty years can not marry without the consent of his parents, if they are living. So also a girl under the age of eighteen years can not marry without the consent of her parents, if they are living. But if the parents criminally withhold their consent, then the judges may institute an examination, and decide whether the marriage shall be solemnized or not.

VI. It is taboo for a man to marry the following relations.

- 1 His grandmother.
- 2 His grandfather's wife.
- 3 His wife's grandmother.
- 4 His father's sister.
- 5 His mother's sister.
- 6 Father's brother's wife.
- 7 Mother's brother's wife.
- 8 Wife's father's sister.
- 9 Wife's mother's sister.
- 10 Mother.
- 11 Father's wife.
- 12 Wife's mother.
- 13 Daughter.
- 14 Wife's daughter.
- 15 Son's wife.

- 16 Sister.
- 17 Son's daughter.
- 18 Daughter's daughter.
- 19 Son's son's wife.
- 20 Daughter's son's wife.
- 21 Husband's son's daughter.
- 22 Husband's daughter's daughter.
- 23 Brother's daughter.
- 24 Sister's daughter.
- 25 Brother's son's wife.
- 26 Sister's son's wife.
- 27 Wife's brother's daughter.
- 28 Wife's sister's daughter.

VII. It is taboo for a woman to marry the following relations.

- 1 Her grandfather.
- 2 Her grandmother's husband.
- 3 Her husband's grandfather.
- 4 Mother's brother.
- 5 Father's brother.
- 6 Father's sister's husband.
- 7 Mother's sister's husband.
- 8 Husband's father's brother.
- 9 Husband's mother's brother.
- 10 Father.
- 11 Mother's husband.
- 12 Husband's father.
- 13 Son.
- 14 Husband's son.
- 15 Daughter's husband.
- 16 Brother.
- 17 Grandson.
- 18 Son's daughter's husband.
- 19 Daughter's daughter's husband.
- 20 Husband's son's son.
- 21 Husband's daughter's son.
- 22 Son's son.
- 23 Sister's son.
- 24 Brother's daughter's husband.
- 25 Sister's daughter's husband.

VIII. It is taboo for the following foreigners to intermarry with the females of this archipelago, viz: all foreign deserters,



they shall by no means marry a wife here. And hereafter no foreigner who lands here without the consent of the Governor in writing, shall be permitted to marry.

IX. No foreigner shall marry a wife here unless he first go before the Governor and declare under oath that it is his design to remain in the country, and also take the oath of allegiance to this government, and obtain from the Governor a certificate of marriage.

X. No foreigner shall marry here unless he first exhibit evidence that he has not a wife living in any other country, nor until he has resided in these Islands two full years. And if any one shall be guilty of falsehood at the time of his marriage, and afterward it appears that he has a wife in some other country, then all his property shall be seized and given to the wife whom he deceitfully married, and he shall be driven out of the country.

XI. These, and these only, are the persons who shall solemnize marriages in this country. Those priests who are living here in consistency with the laws of this country. And even they shall not do it independently. Those who desire to be united in wedlock shall first go to the Governor, or to his agent, and obtain a written assent to their marriage, and then it shall be proper for the priest to solemnize the marriage.

XII. Whoever solemnizes marriages shall keep a book where he shall record the names of the persons whom he marries. On the last day of December of every year, every person who solemnizes marriages shall give notice of the number of marriages which he has solemnized during the year. And it shall be proper for the King at his pleasure to send a man to examine into the correctness of the records kept by those who solemnize marriages.

If any one disregard this and the XI Section of this law, or if any one shall unite persons in marriage in a manner at variance with any part of this law, he shall be fined one hundred dollars.

#### OF THE DUTIES OF HUSBANDS AND WIVES, AND OF DIVORCE.

It is the duty of all persons who are married in accordance with the laws of the land to live in peace and observe the vows which they made at the time of their marriage. But as for the persons who regard not their vows, the following laws are for them.

1. If one party conducts improperly and forsakes her husband or his wife, then they shall be brought to trial, and if it appears that the forsaking party was highly criminal, he shall be fined at the discretion of the judges, but not more than ten dollars. If desertion again take place after the fine, then the fine shall be doubled for each new desertion, even to the farthest extent. But if the judges perceive that a woman is in special danger on account of the frequent assaults of her husband, it shall be proper to confine the man with irons, at the discretion of the judges and in proportion to the danger of the wife.

2. If a husband and his wife quarrel and one assault or beat the other, or do anything else by which a wound is inflicted, they shall then be brought to trial and punished according to the aggravation of the offense, but not more than others who commit assaults. If they quarrel again after the trial, the punishment shall be doubled, and shall continue to be doubled for each new offense, even to the farthest extent. But if the judges perceive that the woman is in special danger on account of the frequent assaults of her husband, it shall be proper to confine that man in irons, at the discretion of the judges, proportioned to the danger of the wife.

3. If two married persons do not live happily together, but quarrel often and become famous for the same, and also disregard their marriage vows, they shall then be brought to trial, and being convicted of the charge as specified above, they shall both be confined in irons. They shall be confined separately, not together, and shall be confined at night only, and in the morning shall be set at liberty, to go where they please, but at night shall be confined again, and shall be confined every night until they cease quarreling.

4. If the husband sail to a foreign country and she remains four years without hearing of his being alive, nor any thing respecting his return, it shall then be proper for the woman to apply to the Governor, who will give her a written permission to marry, after which she may marry another husband. But if her former husband returns, he is her husband still, the new husband must be put away.

5. If a man or woman be banished to another island for a period of four years or more, then he or she is dead in the estimation of the law, and the innocent party may apply to the Governor who will give a written permission to marry again, after

which he or she may marry another companion, or not, at pleasure.

6. If any one return from the place of his banishment and find his companion married, the person so returned may make application to the Governor who will watch his character for one year, and if he live a moral life and is faultless, then he shall receive a certificate of marriage, after which he may marry again.

7. If a married person be afflicted by the inconstancy of his or her companion, (who has been convicted of adultery,) and on that account his or her mind is made up to separate for life, then he or she may apply to the Governor who will give a bill of divorce, after which he or she (the innocent party), may marry again. But if the two persons are nearly of the same character, and it is not clear that one is much better than the other, then the Governor shall refuse, they shall not be divorced. If one is of unblemished character and his companion commits adultery, they and they only can be divorced.

8. If a man become exceedingly angry with his wife or a woman with her husband, and the angry party attempts to take the life of the other, and the judges perceive that the life of the innocent person is clearly in danger, then a bill of divorcement shall be given to the innocent person, who may marry again. But the guilty person shall by no means marry again until death.

9. If a man and his wife are separated for life, and have children, but disagree in relation to the child or children, then the judges shall decide the case, and give their support to the innocent party.

This law shall go into effect on the first day of January, in the year of our Lord 1841, at all places on these Hawaiian Islands.

Having been enacted by the Nobles we have hereunto set our names, on this twelfth day of November, in the year of our Lord 1840, at Lahaina, Maui.

(Signed) KAMEHAMEHA III.  
KEKAULUOHI.

## CHAPTER XI.

## LAW FOR THE PROTECTION OF THE SABBATH.

It is a well established fact that a nation cannot enjoy peace nor the people prosper, unless they are taught in morals and religion. Wherefore the Sabbath is of great importance, because on that day the people are extensively taught in those branches. If any one interferes with another in his observance of the day, or if any one disturbs the peace and quiet of the day, he is criminal,—he does an injury to the public, and to every individual who is seeking the greatest good. Wherefore it is proper for the laws to give protection to the Sabbath, and to all those who observe the day, lest any one should interfere with the greatest good of the land, by making the day a nullity. Wherefore, Be it enacted by the King and Nobles of the Hawaiian Islands in council assembled,

1. All unnecessary worldly business is by this law prohibited from being done on that day. It is not proper to cultivate the ground, engage in fishing, to seek for wealth or do any thing of the kind unnecessarily. But works of necessity which cannot be done before nor put off till after the Sabbath, together with works of mercy for the distressed may be done. All other kinds of work are taboo. Whoever violates this law shall be fined one dollar, and if he does it again he shall be fined two dollars, and thus it shall be doubled for every repetition of the offense even to the farthest extent.

2. All worldly amusements and recreations, and all plays are at variance with the quiet of the Sabbath if engaged in on that day, they are also at variance with the best interests of the kingdom, and are therefore by this law made taboo. Whoever violates this taboo, shall be fined one dollar. If he violate it a second time he shall be fined two dollars, and thus the fine shall be doubled for every repetition of the offense even to the farthest extent. Whosoever shall give his sanction to such conduct as is spoken of in this section by standing and looking on, he too has violated the law.

3. All loud noise, and all wild running about of children, and all conduct which creates confusion in worshipping assemblies on the Sabbath, are an interference with the rights of the good who are strict in their observance of the Sabbath. Wherefore they are taboo. Whosoever violates this law shall be fined

one dollar, and if he does it again he shall be fined two dollars, and thus the fine shall be doubled for every repetition of the offense, even to the farthest extent.

If the person committing the offense be below the age of fourteen years, then he shall be examined in connection with his parents, and the person who is in fault shall pay the fine.

4. This law shall go into execution on the first day of January, in the year of our Lord 1841, at all places in this archipelago.

All the words of this law having been approved, we have hereto set our names on this thirteenth day of November, in the year of our Lord 1840, at Lahaina, Maui.

(Signed) KAMEHAMEHA III.  
KEKAULUOHI.

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## CHAPTER XII.

### A LAW PROHIBITING REVILING, SWEARING AND SLANDER.

If any man is not respected and beloved it is a great misfortune to him, he cannot enjoy peace and happiness when he is thought to be a bad man; nor can a man be happy, or well refrain from anger even to sin, when one speaks to him in reviling language. Wherefore this law is passed for the protection of people's good name.

1. If one shall revile another with an evil intent, in order to make him odious or angry, the person doing this shall suffer the shame of irons, at the discretion of the judges, but not exceeding one month. So also shall the man be punished who swears at another with an evil intent.

2. If any one lie slanderously respecting another, with an evil intent, or with anger, in order to involve an innocent person in difficulty, or in order to put a good man to shame, or to bring upon a man the anger of others, or the anger of government, the man that does thus shall be punished according to the aggravation of the offense. If the saying be perfectly false, the fine shall be large,—if nearly true there shall be no fine. If it be a mere mistake without any anger, there shall be no fine. If the person slandering and the person slandered are both persons of

distinction, the fine shall be large, but shall never amount to more than one fourth of the criminal's property. But if the slanderer be a poor man, he may be put to hard labor, but the time shall not exceed four months, and it may be less, according to the magnitude of the offense in the estimation of the judges.

3. This law shall take effect on the first day of January, in the year of our Lord 1841, on all the places on these Hawaiian Islands.

All the words of this law having been sanctioned, we have hereunto set our names this fourteenth day of November, in the year of our Lord 1840, at Lahaina, Maui.

(Signed) KAMEHAMEHA III.  
KEKAULUOHI.

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## RESPECTING THE NEW MEETING OF THE NOBLES.

On the first day of April, in the year one thousand eight hundred and forty-one, the Nobles met at Luaehu, in Lahaina according to the requirement of the Constitution, and afterward three persons came forward appointed by the people, and joined the council of the Nobles.

At this council several alterations were made in the existing laws, and several new laws enacted.

The changes in the old laws are as follows:

### 1. LAW OF TAXATION.

In relation to all laws on taxation it is enacted, that whenever the Governor shall perceive that any man suffers on account of the unjust bearing of a particular law it shall then be the duty of the Governor to free the man in accordance with strict justice, and not enforce that particular phrase of the law.

### 2. OF MEN WHO VIOLATE THE LAW.

When a man is condemned to work for the government according to law, the land agents may claim the labor of the men belonging to their lands on their working days. But the best way is for the man who has the charge of the public labor to keep account of the labor days which the land agent has a right

to claim, and then let the criminal first work the government portion of the time, and afterwards that of the land agent.

### 3. THE TIME OF PAYING TAXES.

The following words shall be inserted in Chapter III. Sec. 1, page 25; "From the first of October to the end of December."

### 4. OF TRANSIENT LABORERS.

Transient persons who have regular daily employment shall not go to the Tuesday labor of the King, but all transient persons who have not regular daily labor, must go.

### 5. OF SHOAL FISH.

From the eighth section of the third chapter of this law, which is found on the thirty-eighth page, certain words shall be erased, as follows; ("If in sufficient quantities to fill two or more canoes, but not so small a quantity as to fill one canoe only.")

The transient shoal fish spoken of in this law are,

- 1 The Kule,
- 2 The Anaeholo,
- 3 The Alalauwa,
- 4 The Uhukai,
- 5 The Kawelea,
- 6 The Kawakawa,
- 7 The Kalaku.

These kinds of fish shall be divided equally, whenever they arrive at these islands, or whenever they drift along.

### 6. OF DUTIES LAID BY LAND AGENTS ON THE FISH OF THE PEOPLE.

On the 37th page, Chapter third, Section eighth, read thus; "The people of *other lands* shall give to the landlord one third of the fish thus taken on *said land*."

### 7. OF PUBLIC LABOR ON RAINY DAYS.

If it rains much on the King's labor day, so as to darken the heavens, then it shall be improper to labor, let the labor cease as the amount of rain shall require, at the King's loss, or the

land agent's as the case may be. But if the rain be trifling, such as not to interfere with labor, then it shall continue, and only those who are weak and benumbed shall return. But if the people prefer to leave the work entirely, and work on one of their own days, that too shall be proper.

#### 8. OF LARGE FAMILIES.

If any tenant of a land have a number of children, so that he is freed from taxation, then his landlord shall not be called on to pay on his account. The taxes shall be diminished according to the number of working men.

#### 9. OF THE PUNISHMENT OF FISHERMEN.

In the third Chapter, eighth section, page 37th, the following words are erased; "*For two years he shall not fish at all on any fishing ground.*" The following words shall also be inserted in their place; "If he take one fish criminally he shall pay five, and always at that rate. And if a canoe full be taken then five canoes full shall be paid, according to the amount taken, even to the farthest extent."

#### 10. OF MULTIPLYING LAND AGENTS.

In the third Chapter, ninth section, 39th page, the following words shall be inserted; "And their land agents." It will then read thus, "It shall be the duty of those to whom the King gives land, *and also of their land agents*, to see that they do not establish," etc.

#### 11. OF THE TAX FOR THE YEAR 1841.

The following is the land tax for the year 1841, and is published for the information of the tax officers, and of the people universally.

1. Money is the standard by which all taxes and assessments are to be estimated, and it would be very well if all men would pay their taxes in money.

2. Kukui nuts are valuable property. In places where the kukui nuts abound, the tax shall be in those, according to the size of the land so the tax shall be apportioned out. The price



shall be a dollar and a half per barrel. Six barrels and two thirds will be equal to a fathom swine.

3. Arrow root is valuable property. Where arrow root is abundant the taxes shall be taken in arrow root. And the tax shall be proportioned to the size of the land. The price shall be the same as that of live pork, that is three cents per pound. Three hundred and thirty-three pounds are equal to a fathom swine.

4. Turmeric is also a valuable article. Where turmeric is abundant, the taxes shall be in that. The price by the pound shall be same as that of arrow root.

5. Where none of these kinds of property can be obtained, and fish are abundant, there the tax shall be laid in fish; and shall be in proportion to what the tax of the land would be in money. If the land would be taxed a fathom swine, then there shall be an amount of fish equal in value to ten dollars.

6. If none of the articles mentioned above can be obtained, then the tax officer shall ascertain whether there be any other article of a fixed value, but if the people possess no such article, then swine will be taken.

7. Furthermore, every man shall carry his taxes to a place suitable for vessels to go and receive them, to such places too as the tax officer shall appoint.

These taxes are confined to the present year, but if found to be suitable, will be continued, but if not, will be abandoned.

## 12. OF ARTICLES ON THE MOUNTAINS WHICH ARE TABOO.

In the third Chapter, section 20th, on the 53rd page the following words shall be inserted: "But the Ohia Lehua which one man can clasp shall not be tabooed. All persons shall have a right to take it. Nor shall there be any taboo on those things which are lying on the top of the ground, nor on the fruit of the trees, or roots growing in the ground. It shall be improper for the konohiki to taboo any other article except timber.

## 13. OF THOSE WHO ARE ABSENT ON THE LABOR DAYS.

In the third Chapter, third section, on the 29th page, certain words are erased, and certain others shall be inserted. The following words shall be erased; "*twenty-five cents*," and the words inserted shall be, "*one rial*," and also, "land agents and officers

shall not refuse that price." It will then read as follows: "He that gives previous notice shall pay *one rial*, and the land agents and officers shall not refuse that price."

14. OF THE INTERCHANGE OF LABOR WEEKS.

The Nobles have agreed that the people shall labor on two weeks for the King and land agents. If it be agreed that those two weeks shall be in succession it is well, and if it be agreed to work on one and pass one, or to exchange, that also is well.

15. OF CURSING.

In the twelfth Chapter, at the end of the first section, on the 81st page, the following words shall be inserted; "But if the criminal choose to pay a fine in money or other property, and so escape irons, it is well, though in that respect it shall be as he can agree with the one whom he cursed, the judges also seeing that there is a due proportion between the crime and punishment.

16. OF THE PEOPLE WHO WORK ON THE LABOR DAYS.

The following words are inserted in the third section, on the twenty-ninth page. "But if a man go abroad, and the labor day of the King or kingdom arrives, if the stranger labor, it shall then be the duty of the tax officer to give him a certificate, and then he shall not be required to work again when he returns to his own place.

17. OF THE TITHE OF THE PROPERTY OBTAINED ON THE LABOR DAYS OF THE AGENTS.

The following words shall be inserted at the end of the 18th section, on the 52nd page; "The tax officers shall take the property to the King."

18. OF NEW BORN CHILDREN.

When a child is born, then the father or the mother shall inform the tax officer, who shall record in a table the name of the

child, the name of the parents, name of the land, the day, the month and the year that the child was born.

If neither the father nor mother give this notice, then those parents are guilty of an impropriety, he shall not be freed from labor on the labor days, even if he have a number of children.

19. OF JUDGES WHO ARE GUILTY OF INJUSTICE.

If a judge be guilty of real misconduct, and with a criminal design, and punish a man unjustly, or set a guilty man at liberty, or if he do this on account of prejudice, he shall then be brought to trial before the supreme judges, and when convicted, he shall cease to be a judge, nor shall he receive any pay for that year in which he committed the offense.

20. OF THOSE PERSONS WHO REFUSE TO COMPLY WITH THE SENTENCE OF THE JUDGES.

Whatever persons are condemned by the judges to pay a fine or to labor, if they refuse obedience to the sentence of the judge, then irons are the consequence, or a rope, let him be perfectly fast until he yield assent to the decision. But if the criminal give notice of his intention to appeal to the Governor, or to the supreme judges, it shall be proper for him to do so. He shall not be confined, let him appeal. But if the Governor try him anew, or the supreme judges, and find the man really guilty, according to the previous sentence, then the punishment shall be increased. If the fine were ten dollars, then one dollar more shall be added. If the punishment were two months hard labor, then the time shall be lengthened five days. And in that proportion shall the punishment of all persons be increased who appeal without grounds.

21. OF THE PROTECTION OF THE FISHERIES.

The following words are to be inserted in the eighth section of the third Chapter, on the 38th page; "The general tax officer may lay a protective taboo on the King's fish, and also on those of the land agent's, but the land agents and the King also, may eat of their own fish taboo'd by themselves, even before the taboo of the tax officer is repealed.

## 22. OF TAXING UNFURNISHED LANDS.

In the third Chapter, section 2nd, the following words shall be inserted; "If the tax officer perceive that the land is unfurnished, having but few men, then it shall be his duty to diminish the taxation in a due proportion. He shall not look at the size of the land merely, nor at the number of men only, but shall look at both together, and assess the tax justly, that the burdens of all the people may be made alike.

## 23. OF DISPENSING WITH LABOR DAYS.

In the 3rd Chapter, 3rd section, on the 30th page, the following words shall be inserted; "If the King choose to dispense with the labor of the people at any particular place on the Islands, and instead thereof to lay a regular tax on the people, it is proper to do so, but the tax shall not exceed four and a half dollars each man, according as is mentioned in the law. And if any man be taxed according to this permission, and he do not pay it, he shall then be required to work the full number of days he has missed, and the same also with the land agents.

## 24. OF THE ENACTON OF NEW LAWS.

The Constitution declares that, "No new law shall be enacted without the consent of a majority of the House of Nobles, and Representatives. That is well, as the chiefs believe, but here is a little further explanation.

"If his Majesty the King, the Premier and the Nobles resident near, perceive any particular evil, and on that account think best to pass a new law, they may do it, and that law shall stand until the next meeting of the Legislature, when it shall be at the option of the Nobles and Representatives to confirm or annul it."

All the words of these twenty-four divisions having been approved by the Nobles and the Representatives, we hereby confirm the same, and subscribe our names this thirty-first day of May, in the year of our Lord one thousand eight hundred and forty-one, at Lahaina, Maui.

(Signed) KAMEHAMEHA III.  
KEKAULUOHI.

## CHAPTER XIII.

## LAW RESPECTING THE RUNNING OF HORSES.

Whereas at the present time, certain persons are in the habit of running horses in some of the large villages of these Hawaiian Islands, and whereas children and some times parents too are endangered thereby, and even life itself put to hazard, and whereas no benefit arises from such practice, therefore the Nobles and House of Representatives in council assembled have agreed to all the words of this law.

1. By this law is prohibited all running or swift riding of horses in roads, streets, and all avenues in villages and also in all places of assembly or public resort, and in all places where the traveling is abundant. Whoever violates this law, or does that which is forbidden in this section, shall be brought to trial, and on conviction thereof he shall be fined five dollars; one fourth to the complainant, and three fourths to the government, and the criminal shall also pay all damages sustained by any individual by his swift riding. The only places for running are off at a distance where people are not traveling.

2. Furthermore, all persons riding on horse back or in a carriage in streets where people are traveling shall ride in or near the middle of the street, in order that persons on the sides of the street may walk safely. Whosoever violates this law by design, or with an evil intention, and thereby brings a person into difficulty or inflicts an injury, that man shall be brought to trial, and on conviction, shall be fined five dollars, one fourth to the complainant and three fourths to the government.

3. It is also taboo to train and teach wild and untrained horses in the streets where men are traveling. It is also taboo for men to assemble and ride for pleasure, a number together in villages or where large numbers are walking and attending to their lawful business. Whosoever violates the prohibitions of this section, shall be fined on conviction thereof, five dollars, one fourth to the complainant, and three fourths to the government. He shall also pay all the damages which any one may have sustained by his fault.

4. It is also taboo to set at liberty wild cattle, or permit them to go at large, or even to lead them carelessly in the streets of a village or in any place of public resort. Whoever shall do thus in violation of this law shall pay for all the loss or damage which

any one may sustain by him, and shall moreover pay a fine of five dollars, one fourth to the complainant and three fourths to the government.

5. Whosoever is punished for a breach of this law, or any prohibition of any section thereof, and shall afterward commit the same offence again, his fine shall be doubled, and it shall continue to be doubled for every repetition of the offense even to the farthest extent.

Whenever this law is proclaimed in any village or district, the day of its proclamation shall be the day of its taking effect in that place. But even if it be not proclaimed it shall take effect at all places on these Hawaiian Islands on the first day of September of the present year.

All the words of this law, having the assent of the Nobles and Representatives in council, we have hereunto set our names at Lahaina, Maui, on this 20th day of April in the year of our Lord one thousand eight hundred and forty-one.

(Signed) KAMEHAMEHA III.  
KEKAULUOHI.

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## CHAPTER XIV.

### A LAW RESPECTING MISCHIEVOUS BEASTS.

Whereas, there is at the present time a considerable number of people who are greatly annoyed by having their cattle held in confinement without cause, and whereas the former laws of this country, applicable to mischievous beasts were unjust, and whereas, some of the farmers are greatly annoyed, by having their vegetables destroyed, and whereas there are many mischievous cattle, therefore in a council composed of his Majesty the subordinate Nobles and the Representatives, all the words of the following law were approved.

1. In all places where there is a considerable amount of cultivation it shall be illegal for beasts to go at large, unless the cultivated grounds are inclosed by a fence. If beasts are permitted to go at large in such places, and a beast destroy the food of any person then the owner of the animal shall pay the owner of the food for all the food thus destroyed. Or if the animal

were confined, but broke away from his confinement, and destroyed food the owner of the animal shall pay as above.

2. In those places where the cultivated grounds are surrounded by a fence, animals may go at large, but if any animal be really mischievous and break away the fence or jump over it, then the owner of the animal shall pay according to the amount of food destroyed and the loss sustained by the injured person. But goats and sheep shall not be permitted to go at large at all in the vicinity of cultivated grounds, because they will not be confined by a fence, they will overleap it. Wherefore it is taboo for them to go at large in the vicinity of cultivated grounds.

3. If the fence become rotten, or if an adoby or stone fence fall down, by which means the cultivated grounds become exposed, then the animal not being in fault and not being of a mischievous character shall pay no fine. But if it was generally known that the fence was poor and out of repair, and on that account most of the people confined their animals, or if the officer had proclaimed that people must take care of their animals, and some one refused or neglected to take care of his, then he shall pay all damages done by his animals.

4. But the best course is, when it is perceived that the fence is defective, for the officer to repair it immediately. In making fences, the labor shall be done on the labor days of the King, the land agents, and the people. They shall work twelve days in a month until the fence is finished for it is not made for the benefit of the Nobles only but for the people also. But transient laborers shall not work, unless they feed cattle.

5. Furthermore, in making public fences those who own cattle and horses shall do more than those who do not. Five cattle shall be considered equal to one man, and in making the fence if the officer think best to divide it into portions he shall have a right to do so, and it will be especially proper to give a separate portion to him that has cattle. But the estimate for cattle and horses shall be as mentioned above, though if they are tied by ropes, or feed in a separate pasture, such animal shall not be counted.

6. If an animal stray away into the cultivated grounds of a man, or into his enclosure, it shall be proper for the owner of the ground to seize the animal, and kindly return him to the owner, or if not, then give information that the animal is confined in order that the owner may come for him. But if any one unnecessarily hold the animal of another in confinement.

and do not restore him nor consent to the owner's taking him away, or if he do not give notice of the confinement, but retains the animal secretly, then the man who seized the animal shall pay all damage sustained by the owner.

7. If an animal be seized, and it is not known to whom he belongs, then the man shall take care of the animal for one month, feeding him well, making diligent inquiry whose the property is, but if the owner do not appear, and is not heard of, the man who seized the animal may then act his pleasure and his will, but he shall make his seizure of the animal public, that it may be extensively heard of. If he conceal it he is like a thief, but if he make it public and it is not called for, he is then faultless. If the owner appear after the end of the month spoken of above, he shall pay the man who has taken care of the animal for all his labor, and take him away.

8. If the owner of the animal and the person who seized him do not agree, then the judges shall decide the case. But the animal shall be restored immediately and the judges shall decide respecting the payment according to principles laid down above.

9. All these words are applicable both to house yards and enclosed plantations, but if the gate of the enclosure be left open, then the animal is not in fault for entering. If a man leave the gate of his enclosure open for the purpose of enticing animals to enter, or if he go for the animals of another and drives them in or entices them to enter, and afterward make application for damages, he shall be brought to trial therefor, and on being convicted thereof shall be punished as a thief, thus; If he apply for one dollar he shall be fined four dollars. If he apply for two dollars he shall be fined eight dollars and this shall be the rate of fine for all who make such criminal application for damages, when the animals have committed no fault.

10. If an animal be tied by a rope and any one goes in a criminal manner and loosens it, or pulls up the stake, he shall then pay to the owner of the animal all damage sustained by him, and shall pay for all damages done by the animal, and shall pay a fine of five dollars.

11. Cattle and horses shall not go at large in streets of villages where there are many people traveling, nor shall they be tied there for feeding, and when travelers tie their horses in the streets it shall be done only on the sides of the street and with a short rope, it is not proper in the middle of the street where people are traveling.



12. Even if a man's animal do criminally enter the enclosure of another, it shall be illegal for the owner of the enclosure to take the life of the animal, or inflict any wound, or break his bones. The proper course is to seize the animal and confine him, but not kill him. If one kill another's beast or inflict a wound upon him with a criminal intent, he shall pay all damage sustained by the owner of the animal. But if in seizing the animal he be wounded or die and is not killed outright the man having no design of doing an injury, then he is not criminal.

13. These requisitions are applicable to all animals. Whatever animal he be that criminally enters another's premises to do mischief the owner of the animal shall pay according the amount of the mischief. If it be a cat or a dog, the law applies to them, and to all animals, also to dogs who go about from place to place destroying domestic animals in the field. The owner of the dog shall pay the damage.

14. Furthermore if a man be traveling in the street, or in any other place where it is proper for men to go and a dog runs out and barks or bites him, then the owner of the dog shall pay the injured person according to the amount of the injury. But if a man secretly enter another's premises in the night, and be bitten, then the owner of the dog is not in fault, he shall pay no damage.

15. If a man be riding in the high way, it is improper for dogs to run out and bark at the horse, lest the horse start and the man fall. That dog which is often known to do so shall suffer death. And if a dog bark at a horse and the horse being afraid, start or run and the man fall, then the owner of the dog shall pay the man who fell. If he were much injured the pay shall be considerable, the judges shall estimate the damages. If this law be proclaimed in any village or district, the day of its proclamation shall be the day that the law shall take effect in that place, but even if it be not proclaimed, it shall nevertheless, take effect at all places on these Hawaiian Islands on the first day of September of the present year.

All the words of this law having received the approbation of the Nobles and Representatives, we have hereunto set our names at Lahaina, this twenty-third day of April in the year of our Lord one thousand eight hundred and forty one.

(Signed) KAMEHAMEHA III.  
KEKAULUOHI.

## CHAPTER XV.

## A LAW RESPECTING DOMESTICS, SERVANTS, AND HIRED MEN.

There is a certain class of persons who make it an important business to engage in the service of others. That is a perfectly honorable business if conducted right. But if conducted wrong, evil arises. Wherefore the Nobles and Representatives in considering the subject have thought well to give protection to that class and by mutual counsel have established this law.

1. It shall be legal for every man to choose his place of residence at his own will, and let himself if he choose to do so. If a man make a previous agreement with the person whom he serves, then that agreement becomes a bargain and shall be fulfilled like all other bargains.

2. If one man live as a domestic with another engaging in his service, but without any other reward than his board and clothing, as has been a common custom in this country, such a course is legal and is not forbidden by this law. But herein is the evil. If a man live thus for a length of time and then be taken sick, or suffer some misfortune, or if he become feeble with age, it is then illegal for his master to dismiss him or send him faultless away. Whoever does this shall be brought to trial, and shall pay his servant whom he sent away such amount as the judges on examination of the subject shall think the misfortune of the servant demands.

3. If one man live as the servant of another, as is a common wish and a common practice among the people, and his master assign him a particular job of work, it shall be his duty to do it well, carefully regarding the charge of his master in all that he properly said to him, and if he do not thus, or if he conduct mischievously, he shall be fined in proportion to the damage sustained by his master through his disregard of his charge.

4. If one man live with another as his servant for a length of time, according to the common custom of the country, it shall not be legal for the master to dismiss him without giving him previous notice, nor shall it be legal for him to leave his master without giving him previous notice, lest one or the other suffer an inconvenience. Previous notice must be given. Whosoever violates this law shall be brought to trial and be fined according to the damage sustained by him on whom he inflicted it.

5. If a man suffer want in consequence of not obtaining a sufficiency of food, and on that account does not perform the labor assigned him by his master, that servant is not in fault. He however should give immediate notice, that his master may know it. But the best way of all is to make a definite bargain in the first place, and that will prevent subsequent difficulties.

If this law be proclaimed in any village or district, the day of its proclamation shall be the day of its taking effect in that place, but even if it be not proclaimed it shall nevertheless take effect on all places on these Hawaiian Islands on the first day of September of the present year.

All the words of this law having received the approbation of the Nobles and Representative Body, we have hereunto set our names on this twentieth day of April in the year of our Lord one thousand eight hundred and forty-one, at Lahaina, Maui.

(Signed) KAMEHAMEHA III.  
KEKAULUOHI.

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## CHAPTER XVI.

### LAW RESPECTING DEBTS AND USURY.

When men are trading with each other, it often occurs that one receives the property of another without paying for it immediately. In the estimation of this law it is not well to run in debt, though it is not made absolutely taboo, for a man might sometimes be in very straitened circumstances could he not run in debt, wherefore this protective law is established.

1. If two persons engage in a commercial transaction, or trade together and one runs in debt to the other, and they make a definite agreement respecting the debt, then payment shall be made at the time agreed upon. But if the debt be not cancelled, then interest shall be paid, at the rate of one pr. cent pr. month, and this shall be the rate of interest for all debts that are not cancelled at the time agreed upon. This requirement applies to common trade and to accounts which have not the signature of the debtor. But notes of hand, having the signature of the debtor shall be interpreted according to the purport of the language contained in it. If the note specify that interest shall be paid, then it shall be so. But if the note do not mention interest,

then there shall be no interest unless there be mentioned a particular time for payment, and that expire without the debt's being cancelled, after which interest shall be paid as mentioned above.

2. Debts of promise, or accounts not having the signature of the debtor, if they are not cancelled within a year from the time that interest commenced on them, shall be put into notes having the signature of the debtor. In the note the rate of interest shall be mentioned, according to their mutual agreement, the law does not specify in such a case. And if there be no note given with the name of the debtor, then there shall be no interest after the first year. But if the debtor refuse or be absent, and on that account no note be given, then the judge shall be notified thereof and from the time the judge receives the notice, interest may be required.

If this law be proclaimed in any village or district, then the day of its proclamation shall be the day on which the law shall take effect at that place. But even if it be not proclaimed it shall nevertheless take effect at all places on these Hawaiian Islands on the first day of September of the present year.

This law having received the approbation of the Nobles and Representative Body, we have hereunto set our names this twenty-sixth day of April in the year of our Lord one thousand eight hundred and forty one, at Lahaina, Maui.

(Signed) KAMEHAMEHA III.  
KEKAULUOHI.

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## CHAPTER XVII.

### VAGRANT LAWS.

Indolence is a crime involving the best interests of the state. Even in days of old it was considered a crime, and at the present time it is perfectly clear that it is a downright misdemeanor. Those who live without labor live in direct disobedience to the commands of God, and in disregard of the opinions of mankind. Wherefore, in a council of the Nobles and Representative Body, this law was passed.

1. If a man be often seen running about, or sitting idly without labor, or devoted to play and folly, he shall be taken before the judges, and if he cannot bring evidence that he labors suffi-

ciently to pay for his board and clothing, he shall then be put to hard labor for three months.

2. If he be again seen living in the same idle manner after he has been punished, then he shall be put to hard labor for one year.

3. If a man live in idleness because he have no land, then his destitution shall be examined into, and if he be faultless he shall not be punished. But land shall be given him as the laws require.

4. By this law, men and boys are forbidden to run in crowds after new things. Whosoever does this in an indecent manner shall be punished thus; he shall be taken to the house of confinement and remain till he pay a rial, and be set at liberty. The same also with those who obey not the police officer when he proclaims a prohibition.

It shall therefore be the duty of the police officers to watch carefully around the markets and places of public resort, that they may discover who they are who crowd after strangers, for these are indolent and lazy persons. Let them be taken before the judges and tried, and when convicted let them be punished according to the requirements of this law.

If this law be proclaimed in any village or district, the day of its proclamation shall be the day of its taking effect at that place, but even if it be not proclaimed, it shall nevertheless take effect on the first day of September of the present year, at all places on these Hawaiian Islands.

This law having received the approbation of the Nobles and Representative Body, we have hereunto set our names on this twenty-third day of April, in the year of our Lord one thousand eight hundred and forty-one, at Lahaina, Maui.

(Signed) KAMEHAMEHA III.  
KEKAULUOHI.

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## CHAPTER XVIII.

### LAW RESPECTING APPRENTICESHIP.

It is a business of profit and beneficial to the country for men and children to learn the various handy crafts, and new kinds of business, and profitable trades, which relieve general necessity.

It is therefore well for the parent to give up his child to learn such handy crafts, and it is well too for the man of mature years to go of his own accord and learn the same. As the Nobles and Representative Body have reflected on the subject, they have thought proper to give such persons the protection of law, and have therefore agreed to the following edicts:

1. If a parent wish to give up his child to learn a trade, it is well for the parent and the teacher of his child to agree together in writing, and let it be specified in the writing how many years the child shall learn, how he shall live, and what shall be the pay.

2. If the child be indolent and disregard the directions of his master, or neglect the business, or conduct badly, the child shall be brought to trial, and if it appear that he has conducted as above, or has violated the mutual written agreement, then the child shall pay all damage sustained by his master. He shall pay it in labor, and the time he shall labor shall be proportioned to the damage, to be decided by the judges.

3. The same also of the teacher of the child, if he conduct improperly, or do not teach the child according to the agreement, or if he violate that agreement, then he shall pay all damage sustained by the child or parent, to be decided by the judges.

If this law be proclaimed in any village or district, then the day of its proclamation shall be the day of its taking effect at that place, but even if it be not proclaimed, it shall nevertheless take effect on the first day of September of the present year, at all places on these Hawaiian Islands.

All the words of this law having been approved by the Nobles and Representative Body, we have hereunto set our names on this seventeenth day of May, in the year of our Lord one thousand eight hundred and forty-one, at Lahaina, Maui.

(Signed) KAMEHAMEHA III.  
KEKAULUOHI.

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## CHAPTER XIX.

### LAW RESPECTING LOST AND FOUND GOODS.

Men often suffer misfortunes without any fault of theirs, wherefore it is proper for the law to aid those who are thus unfortunate. All misfortunes which the law can relieve it should

relieve. If a man's property be lost without his knowledge, it is well for the law to furnish the means of obtaining it. And if one find the lost property of another, it is well for the law to specify the course of procedure, lest there should be difficulty. Wherefore, in a council of the Nobles and Representative Body, all the words of this law were approved.

1. If a man's money fall in the street, or any other place, and is lost, it is well for the owner of the property to proclaim it, or publish it in writing, or make it so public that it may be extensively known that he has lost his property. If the property should be of much value it would be well to publish it in the newspaper, if there be one printed.

2. If it be proclaimed that the property is lost, or made public so that the people extensively hear of it, and one find the lost property and conceal it without making it known, he violates this law, and when his conduct is known, he shall pay the owner of the property an amount equal in value to the property which he found. If he found a dollar, he shall pay another dollar besides the original, which shall be restored. One half of the fine shall go to the government, but none of the principal.

3. If one finds lost property he ought to restore it as soon as he learns whose it is. And if he do not know the owner of the property, make proclamation, and tell it abroad that men may extensively hear it. If any one does like this, then the owner of the property shall reward him according to the amount restored. If their opinions are unlike and do not agree, then the judges shall decide between them, but the reward shall not exceed one third of the property restored, and shall be less if the judges consider it proper.

4. If a canoe go to sea and swamp, and is deserted, and afterward one find it, he shall be rewarded as above and the canoe be restored. But if he obtained it with difficulty the reward may be greater, at the discretion of the judges.

5. If one see another's beast straying away, or destroying another's food, it shall be his duty to restore the beast or confine him and inform the owner, and he shall pay the man who restored him, the full amount of his labor.

6. If any property drift on shore the owner not being known, as timber, fish or any other property, if it be very valuable, one half shall belong to the King and the other half to him who obtained it, but not so if it be of little value.

If this law be proclaimed in any village or district, then the

day of its proclamation shall be the day of its taking effect in that place, but even if it be not proclaimed it shall nevertheless take effect on the first day of September of the present year at all places on these Hawaiian Islands.

All the words of this law having been approved by the Nobles and Representative Body, we have hereunto set our names on this seventeenth day of May, in the year of our Lord one thousand eight hundred and forty one, at Lahaina, Maui.

(Signed) KAMEHAMEHA III.  
KEKAULUOHI.

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## CHAPTER XX.

### LAW RESPECTING PROPERTY IN TRUST.

Men as they live and labor together often commit property to each other's care. Some men too obtain their living and their wealth by taking care of the property of others. Inasmuch as there is a large amount of property committed to the charge of others, that property should be protected by the laws of the kingdom, therefore in a council of the Nobles and Representative Body, the following law was approved:

1. If one man commits his property to the charge of another, and he receive it, he shall take care of it according to their mutual agreement, but if there were no agreement, he shall take care of it according to the custom of all faithful persons. And the owner of the property shall pay him according to their mutual agreement, or if they did not agree, he shall pay according to the common custom of good business men.

2. If one take the property of another in charge and do not take care of it according to agreement, he shall then pay all damage sustained by the owner of the property. And even if they did not agree he shall do as specified above. This law applies to all kinds of property, to land, canoes, animals, and property of every kind.

3. If one man borrow tools of another, or cattle, or a horse, or any thing else, and agree to return them when a particular specified work is done, then they shall do as they agreed. But if the tool or animal were injured in the hands of the borrower, he shall pay all the damage sustained by the owner of the property.



If any one borrow any tool or any article of another and do not return it at the specified time, or at the proper time for returning it, and on that account the owner suffer loss, then he who retains the property, or does not take proper care of it, shall pay all the damage sustained by the owner.

4. If the property be destroyed or injured by the providence of God, as by fire, the overturning of a vessel, a strong wind, or the like, then the man shall not pay damages, he shall pay damages only for his own fault.

If this law be proclaimed in any village or district, then the day of its proclamation shall be the day on which the law shall take effect at that place. But even if it be not proclaimed it shall nevertheless take effect on the first day of September of the present year, at all places on these Hawaiian Islands.

All the words this law having received the approbation of the Nobles and Representative Body, we have hereunto set our names on this twenty-third day of April in the year of our Lord one thousand eight hundred and forty one, at Lahaina, Mani.

(Signed) KAMEHAMEHA III.  
KEKAULUOHI.

## CHAPTER XXI.

### LAW RESPECTING PARENTAL DUTIES.

It is a great misfortune to children not to be well taken care of, nor is the misfortune theirs only, the nation also suffers, for before many years the parents will all be gone, and all the business will be devolved upon the children, not merely the business of husbandry, but that of government also. Wherefore this is a matter of great importance, and it is well for parents to reflect and take care of their children and enlighten them. It is well for the law also to aid the parents in taking care of their children, wherefore in a council of the Nobles and Representative Body, the words of this law were approved.

1. Parents and they only shall have the direction of their children, without interference from others. If any one interfere with them in their management of their children, the law shall aid them and punish him that interferes, according to the aggravation of the offense, in the estimation of the judges.

2. If parents wish to commit their child to the care of another, it is well for them to go before an officer, and make their agreement in writing, and he being a witness to the correctness of the transaction, and signing his name as such, the writing shall be legal. If there be no writing or no officer sign his name, the child can not be transferred. The true parents still have the direction of the child.

3. If a parent see his child to be in fault, he ought to instruct or punish him according to the nature of his fault, and the same also of foster parents. They commit no crime by inflicting pain on a mischievous child. But those who punish unmercifully commit a crime, and shall be fined as those who commit an assault.

4. But if a parent maltreat his child, or do not furnish him with food, clothing and other necessities, or chastise him unmercifully, it shall be the duty of him who sees it to inform the judges. And it shall be the duty of the judges to bring him to trial, and on evidence of his crime, the judges shall have a right to take the child and give him to a good man, and the parent shall be fined to a sufficient amount to pay for the care of the child, and the fine shall be given to the child's new guardian.

5. If one man criminally entice the child of another into sin, he shall himself be fined as one actually guilty of the sin. But if it be not a crime in law yet it is a crime in the estimation of the parent, and at variance with his command, then the judge shall look at the nature of the offense and shall fine him who enticed the child to violate his parents' instructions, according to the magnitude of the crime in the estimation of the judges.

6. If the parents are not agreed in relation to the child, then the father's decision shall stand in law, though if the mother be the higher chief, then the decision of the mother shall stand, and not the father's. This requirement however does not apply to those children of chiefs who have been given away previous to the enacting of this law, and afterward the parent died.

7. If a child be left without natural parents on account of their death or absence, then the foster parents shall have the direction of the child. If the child be illegitimate then the mother shall have the direction of him, but if the mother be unfaithful, the judges shall have power to take the child from her at their discretion.

8. When the parent dies, then the child is the heir, if there be any child living. The parent during his life time may sell his

personal estate to whomsoever he pleases. But the land and all fixed property on the land shall descend to the child. If he have many children, they all shall inherit it together. Though if the parent while he is living and in sound mind, make a written will, he may bequeath his land to whom he pleases. When he dies the heir shall exhibit the will to the King, and if the Supreme Judges perceive that there was a real fault in the will, they shall correct it, lest those to whom the property justly belongs should be left destitute, and those possess the property to whom it does not belong.

If this law be proclaimed in any village or district, the day of its proclamation shall be the day of its taking effect at that place, but even if it be not proclaimed, it shall nevertheless take effect on the first day of September of the present year, at all places on these Hawaiian Islands.

All the words of this law having received the approbation of the House of Nobles and Representative Body, we have hereunto set our names on this twenty-fourth day of April, in the year of our Lord one thousand eight hundred and forty-one, at Lahaina, Maui.

(Signed) KAMEHAMEHA III.  
KEKAULUOHI.

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## CHAPTER XXII.

### LAW RESPECTING DEBTORS.

It is of vast importance to men engaged in trade that each party fulfil the agreement. If either fail, trade is embarrassed, and the public is injured, wherefore in a council of the Nobles and Representative Body, the following law was enacted:

1. If one man be in debt to another and do not cancel it at the time agreed upon, and on that account the creditor becomes anxious and fear lest he should not obtain the debt, he may then go to either of the judges who will thereupon attach the property of the debtor, but not remove it, he will merely place the property under his protection, after which no one can take said property without leave from the judge.

2. If the debt be not paid within thirty days, then the property shall be sold at auction for the payment of it, and the judge

shall receive his fees out of the said property but not out of the debt. But if the debtor be suffering some misfortune from the providence of God, he shall then be allowed a full year, and the property shall not be sold at auction until the expiration thereof. But at that time, if the debt be not cancelled it shall be sold. If the money received for the property exceed the amount of the debt and the judge's fees, the balance shall be restored. Nothing shall be taken unjustly, and nothing wasted.

3. If any one in a fraudulent manner become indebted to another and do not pay the debt, or if one become famous on account of his frequently contracting debts and not paying them, and have no property with which to pay, he shall then be put to hard labor for a length of time proportioned to the amount of the debt, which shall be decided by the judges.

For regulations respecting the payment of interest, see Law respecting debts and usuary, page 101.

If this law be proclaimed in any village or district, the day of its proclamation shall be the day of its taking effect in that place, but even if it be not proclaimed, it shall nevertheless, take effect on the first day of September of the present year, at all places on these Hawaiian Islands.

All the words of this law having been approved by the House of Nobles and also by the Representative Body we have hereunto set our names on this eighteenth day of May, in the year of our Lord one thousand eight hundred and forty one, at Lahaina, Maui.

Signed            KAMEHAMEHA,  
                         KEKAULUOHI.

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## CHAPTER XXIII.

### A LAW RESPECTING THE HIRE OF LABOR.

Labor hire, as well as other kinds of hire, has at the present time become an extensive business. There are persons who obtain their whole living and property by laboring for hire. The law does not condemn that business, for it is proper. The law protects it. It would be a sad thing for the community, if the law did not give protection to him who labors for hire. Where-

fore, in a council of the Nobles and Representative Body, the following law was enacted:

1. If one man hire another to perform labor, then they shall both act in strict conformity to their mutual agreement. If the agreement be made to labor by the day, then the laborer shall work faithfully, in accordance with his previous engagement. If he be indolent or idle, or work so sluggardly that little labor is performed, then his wages may be diminished, he may not be paid according to the promise, because the laborer has not labored according to their mutual agreement.

2. If a man engage to perform labor by the job, he shall complete the labor at the time on which they shall mutually agree. The man shall also perform the labor faithfully. If any one do his work imperfectly, or really do it badly, and does not finish it well, according to promise, his pay may be diminished or entirely withheld if the laborer do the work very badly. And if the employer suffer material damage on account of the fault of the laborer, then he shall pay all damages sustained by him whom he has injured.

3. If one man engage to perform labor for another, and the time of laboring be agreed upon, or the time when the labor shall be completed, the laborer shall fulfill the agreement which they mutually made. If the labor be not finished at the time agreed upon, and the employer suffer thereby, then there is a crime, and he who committed it shall pay damage, according to the amount of damage sustained through his failure.

4. All laborers of every kind who labor for hire, and all persons who hire property, shall perfectly fulfill their mutual agreement. Whoever does not thus fulfill his agreement is criminal, and he shall be fined according to the amount of loss sustained by the other party.

5. If on account of sickness or on account of the judgment of God, a man fail to fulfill his agreement, then both parties sustain loss, no fine shall be exacted of him. A man shall be fined for his own fault only, not for the judgment of God. The judges shall settle all difficulties between persons who are trading with each other.

6. This law does not apply to rented lands, unless the agreement be made in writing, for it is only a written agreement which is binding in relation to rented lands and house lots, nor shall they then be binding for a long time, unless countersigned by the King and Premier, according to the Constitution. Any man

however, may have liberty to rent out his for a single year, according to a former agreement of the Nobles.

This law has no special relation to common trade, for there is already another law in relation to that subject.

Should this law be proclaimed in any village or district of country, the day of its proclamation shall be the day of its taking effect. But even if it be not proclaimed it shall take effect on the first day of September of the current year, and that too on all places on the Hawaiian Islands.

All the words of this law, having the assent of the Nobles and Representatives in council, we have hereunto set our names at Lahaina, Maui, on this 18th day of May, in the year of our Lord one thousand eight hundred and forty one.

(Signed) KAMEHAMEHA III.  
KEKAULUOHII.

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## CHAPTER XXIV.

### LAW RESPECTING PARTNERSHIPS.

If any number of persons wish to unite their property for the purpose of accomplishing some great object, or for the purpose of trade, it shall be legal to do so. The law shall give protection to such partnerships, which shall be formed as follows;

1. If any number of persons design to form a partnership of property, for the purposes of trade or business, then they shall first agree together on the principles of their partnership, and put that agreement in writing and put their names at the bottom. One copy, however, of the writing shall not be sufficient. If there be two partners in the compact there must be two copies of the agreement, if three persons in the compact, then three copies of the agreement, the number of copies corresponding to the number of persons united in the partnership; the different copies must agree in every particular, and each person must keep his own copy of the agreement.

2. When the agreement as to the partnership is completed, it must then be made public, that the people may hear it. The proper way is to print it, but if that be not done, then let the notice be written and the writing be made public, after which

the whole number of persons included in the company become one in law.

3. When the public become acquainted with their partnership, or see the printed or written notice, then if any of the company make a promise to any individual, then that promise is the promise of the company. Thus if any one of them contract a debt and decease, then the remaining part of the company shall pay all his debts. So also if any person become indebted to one individual of the company, and that individual decease, then payment shall be made to the surviving members of the company.

Such are the regulations concerning partnership.

This law shall take effect on the first day of September of the current year, at all places on these Hawaiian Islands. And all persons heretofore united in partnership, and continuing their union after that date, shall be bound by this law.

All the words of this law having received the sanction of the Nobles and of the Representatives, we have hereunto set our names on this eighteenth day of May, in the year of our Lord one thousand eight hundred and forty one, at Lahaina, Maui.

Signed      KAMEHAMEHA III.  
                 KEKAULUOHI.

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## CHAPTER XXV.

### OF CRIMES NOT PARTICULARLY DEFINED BY LAW.

Men commit many crimes which are not definitely specified in the law, and it is not possible for the law to define particularly every species of offense, wherefore the Nobles and Representatives have agreed to the following regulations:

1. If a man commit a crime of such a nature that it is not clear what particular statute applies, then the judges shall reflect on the nature of the crime and the kind of punishment which would formerly have been inflicted; he shall also consider the principles of the laws now in existence, and shall pass such sentence on the criminal as in his opinion the general principles of the new system require.

2. Furthermore, all persons accessory to the commission of crime, shall be punished in the same manner as the principals, unless their crime be particularly defined in some other law.

Whenever this law shall be printed and the judges become acquainted with it, it shall then take effect on all places in these Hawaiian Islands.

This having received the sanction of the Nobles and Representatives we have hereunto set our names on this eighteenth day of May, in the year of our Lord, one thousand eight hundred and forty-one, at Lahaina, Maui.

(Signed) KAMEHAMEHA III.  
KEKAULUOHI.

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## CHAPTER XXVI.

### LAW RESPECTING THE LABOR OF CRIMINALS, AND THE AVAILS THEREOF.

At the present time much evil results from the laboring of a great number of criminals at the same place. Criminals are made to subserve the interests of individuals, and on account of the great number who labor at the same place, they are in high spirits, and great evils result from the practice.

Wherefore, in a council of the Nobles and of the Representative Body, the following law was enacted;

1. If a man be made to serve at hard labor on account of crime, he shall not work for any particular chief, he shall be employed on national works. The following is properly national work, viz; the making of roads, and fences for the roads, prisons, labor on forts, and other works which are not for the private interest of any particular chief or individual person.

2. If a man be made to serve at any productive business, it is well, but when the avails are realized, they shall be devoted to the public works of the nation. Such income may properly be devoted to the payment of government debts, to the payment of tax officers, the purchase of guns, powder, paying for roads, or supplying prisons.

3. Males and females shall not be made to labor together, nor shall they sleep in the same house, nor in the same yard, they shall be entirely separate.

4. Females shall not be made to serve at labor appropriate only to males, nor at any labor inappropriate to females. The beating of tapa, the braiding of mats, braiding of hats, sewing,



twisting fish lines, weaving nets, and such like labor as is appropriate to females. Those are the works at which females shall be employed. But no pregnant woman shall be made to serve at hard labor.

5. If any officer shall act contrary to the requisitions of this law and require males and females to work together, or to sleep in the same yard, or compel a woman to perform labor not appropriate to her sex, or require one to perform labor for himself personally, or for a particular chief, the officer who does any of these things, shall in his own person sustain the punishment of that man or woman whom he has thus treated.

When this law shall be printed and put into the hands of the officers, then it shall take effect at all places on these Islands.

All the words this law having been agreed to by the Nobles and by the Representative Body, we have hereunto subscribed our names on this eighteenth day of May, in the year of our Lord one thousand eight hundred and forty one, at Lahaina, Maui.

(Signed) KAMEHAMEHA III.  
KEKAULUOHI.

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## CHAPTER XXVII.

### STATUTE REGULATIONS RESPECTING SHIPS, VESSELS, AND HARBORS.

1. It shall be lawful for ships and vessels of all countries at peace with this, and engaged in lawful pursuits, to come to and anchor at all the roadsteads, ports and harbors of the Hawaiian Islands. No embarrassment shall be thrown in their way by the governors or local authorities of any place. No impost, duty, or tax shall be required except by express provision of law.

2. Pilots shall be established at all the Hawaiian ports where pilots are necessary. His Majesty the King, together with the Premier and Governor shall make the appointment, and give the commission. Said commission shall state the wages of pilotage.

3. If any man in a deceitful manner shall present himself as a pilot, and act as pilot at any of the harbors of the Islands and take the pay of a pilot without first having received a certificate of appointment from the King, is guilty of a violation of this law. He shall be brought to trial and on conviction thereof shall be

fined ten dollars, and shall furthermore restore what ever he deceitfully received in payment. And if he involve the ship in difficulty he shall pay to the captain all damages sustained by him, or in default thereof shall be imprisoned one year.

4. If any pilot shall deceitfully take higher pay than is allowed in his certificate of appointment, he shall on conviction thereof be fined four times the amount which he deceitfully claimed; thus, if he took one dollar wrongfully, he shall pay four, and if he took ten wrongfully he shall pay forty.

5. It shall be the duty of all Pilots or harbor masters to give to every Captain of a foreign vessel, the laws of the harbor where said vessel anchors and the captain shall give him a certificate of acknowledgment that he has received said laws. If any pilot or harbor master shall neglect thus to give a copy of the laws, and the captain of the vessel thereby becomes involved in difficulty, because of this ignorance of the laws, then the Pilot or Harbor Master shall be liable and shall pay to the Captain the full amount of all damages sustained by him.

6. When a merchant vessel arrives at any port or harbor of the Hawaiian Islands, no goods shall be landed from a foreign country until a correct manifest giving a full account of the goods be delivered into the hands of the harbor master. If the Captain have the charge of the sales, then he shall deliver the manifest, but if he have not, and the goods are consigned to some one resident on shore, then he to whom the property is consigned must deliver the manifest.\* When the harbor master receives said manifest, he will then give a certificate of permission that said goods may be landed. If the certificate be not given, then the goods, must not be landed. Whoever violates this law or intentionally evades it, and whoever delivers a false manifest shall be brought to trial and on conviction thereof shall be fined to the amount of one fourth of the value of all the property wrongfully landed by him.

7. When goods are once landed, having been registered on the manifest, it shall not be proper for the Captain again to take them on board his vessel, nor shall it be proper for him to take other property on board, without giving, previous to his departure, a correct manifest of said property. Whoever violates this law or evades it shall be fined to the amount of one fourth of the value of all the property thus illegally taken away.

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\*The manifest must state the quantity and kind of goods.

8. On the last day of December of each year, the harbor masters having faithfully preserved the manifests spoken of in the sixth and seventh sections, shall deliver them all into the hands of the Governors, who shall deliver them to the Premier of the Kingdom.

9. Ships which come to these Islands for the purpose of obtaining refreshments, or for repairs, must first render a clear and explicit account of the kind and amount of purchases designed to be made, and this written account must be delivered into the hands of the harbor master of the port, and if he wish to pay for such refreshments, in any other articles except money, he must state what articles. And if he purchase articles not mentioned in the written account, or if he sell any article not mentioned in the first writing, then previous to his sailing from the port, he shall give in another correct account. Whoever violates this law or evades it, and whoever gives in a false account, shall be brought to trial and on conviction thereof shall be fined two hundred dollars.

These accounts also shall be preserved in the same manner as those mentioned in section eighth.

10. If any vessel arrive from a foreign country having a passenger on board, then the Captain shall give immediate notice in writing of the name, country, age, and business of said passenger. And he shall neither set at liberty, or permit to be landed said passenger nor his property until the harbor master have seen said writing. Whosoever violates this law shall be fined one thousand dollars.

11. No master of a vessel shall discharge or leave any of his men to remain on shore without the consent of the Governor or his agent in writing. Whosoever violates this law shall pay sixty dollars, and he who is thus discharged shall leave the Islands by the first suitable vessel. But if he do not leave according to this requirement, then he shall be treated as the deserter spoken of below.

12. If any foreigner desert from a foreign vessel, it shall be the duty of the Captain of that vessel to make it known immediately to the harbor master who will search for the deserter. If said deserter be found near the harbor where the vessel is at anchor, then the Captain of the vessel shall pay to the harbor master six dollars and the deserter shall be returned to the vessel. If he be found at a place remote from the anchorage, or on the

mountains, or at a distance of ten miles, then the reward shall be twelve dollars. But if he be found on another island, then the reward shall be twenty-four dollars.

If the deserter be kept on shore and boarded, the pay required will be a half a dollar per day. Though this section does not prevent a special agreement between the Captain of the vessel and the harbor master respecting the deserter provided it be entered into previous to his being taken.

If a foreigner desert, and the vessel from which he deserted sail without the Captain's having given notice respecting said deserter, or if he delay to give notice for forty-eight hours after the desertion of the man, then he shall be considered to have discharged his man and shall therefore be fined according to the requirement of the eleventh section of this law.

13. Every foreigner who deserts, or comes on shore secretly without the knowledge of the Governor or his agent, is obnoxious to this law. Whoever does it shall be put to hard labor, from which he shall not be freed until he leave the country. He may also at the discretion of the Nobles be dispossessed of all his property.

But if the Nobles think best to leave him his property and substitute a flogging, it shall be lawful, though the stripes shall not exceed thirty.

14. If any native or foreigner residing on shore entice a man belonging to a foreign vessel to leave his vessel, or if any one conceal a foreigner on shore, or if anyone see a deserter and understand him to be such, and do not give notice to the harbor master nor to the Nobles, then he shall be considered as accessory to the desertion and shall be fined sixty dollars, one half to the captain of the vessel from which he deserted and the other half to the Government.

15. It shall be the duty of all Governors, and officers, and of the people at large, as well as of the land agents, to be on the alert, and when they see a foreign deserter, seize him and deliver him to the Harbor Master. Whoever seizes a deserter thus, shall receive one half of the reward.

16. If any foreign vessel be in difficulty, be wrecked, or suffering from a severe storm, or if in straits of any other kind, it shall be the duty of the Governors and all local authorities and all the people to aid with all their ability him who is thus distressed. And they shall receive their pay by a salvage of a part

of the property rescued by them. If there be no previous contract, and the owner of the property and those who saved it do not agree, then referees shall be appointed to decide the amount of reward.

17. If any foreign vessel arrive at any Hawaiian port or harbor, the crew of which have mutinied, or have committed any misdemeanor, by which the captain of said vessel is brought into straitened circumstances, it shall then be the duty of the Governor, Harbor Masters and other officers to aid the Captain of the vessel; and if he wish the criminal part of his crew put in confinement on shore, they shall be merely confined. No other punishment except confinement shall be inflicted. Though if they break the Hawaiian laws then they shall be punished according to law.

18. If any master of a vessel wish to discharge one of his men on shore in accordance with the laws of his own country, and the consul of that nation consent to take him under his care and return him to his own land, such a procedure shall be proper. Captains of vessels and Consuls shall not be hindered in doing so, though the Governor must be informed thereof.

19. No captain of a foreign vessel shall receive on board his vessel any native, to proceed to sea nor shall any native go on board any foreign vessel, unless he first obtain the written consent of the Governor or his agents, nor shall he continue a man on board for a longer period than said certificate allows. Whoever violates this law or evades it shall be fined four hundred dollars.

20. If any master of a foreign vessel wish a native to sail on board his vessel, it shall be the duty of that master to go to the harbor master with the man he desires, or if he cannot obtain them, then the harbor master will search for them. But the men shall not sail till they receive the assent of the Governor. When that is obtained then the Captain shall fill out the blank in the following bond and sign it, after which he may receive the man on board.

The Bond is as follows:

I ..... Master of the ship.....  
 ..... of ..... hereby declare that hav-  
 ing agreed with ..... a native of the  
 Sandwich Islands to serve on board the ship under my command,  
 I hereby pledge myself and said vessel in the sum of two hun-  
 dred dollars to return said native to the Sandwich Islands within

two years from date, provided he then be alive, and I will pay him wages according to agreement on the shipping articles.

When the above writing is properly completed and delivered into the hand of the Harbor Master, then the man may go. If any master of a vessel take a man in violation of this section of this law he shall be fined four hundred dollars.

21. If a native desert *from the vessel on board which he shipped*, for which reason the Captain of the vessel is unable to return him according to the above bond, then it shall be the duty of the Captain, previous to the expiration of the time mentioned in the bond, to make known the reason of his not returning said man, and having been established by good evidence that there was no fault of the Captain's then the judges shall clear him from the payment of the bond.

22. If any seaman of a foreign vessel run in debt on shore and do not pay it, that debt shall not be demanded of the captain unless he had given his consent previous to the contraction of the debt, nor shall any seaman be put in confinement for debt, unless it be contracted in a wrongful manner in which case he may be confined. If the debtor have property on board the ship, the debt shall be paid from that. This section does not forbid the confinement of those who have committed a criminal offense.

23. If a foreigner from a foreign vessel commit a criminal offense on shore, and the criminal escape on board the vessel, and the police officers go for the criminal, and he is retained by the captain of the vessel and not delivered up, then the Captain, and the ship shall be held accountable for the crime.

24. If any vessel secretly take away a prisoner, the fine shall be four hundred dollars and the prisoner shall be returned. If he be not returned, then the captain of the vessel shall also be held accountable for the crime of the prisoner and shall pay whatever the law requires, [of the criminal.]

25. If the Governor perceive that the laws are disregarded by any vessel he shall have power to detain the vessel, or the Captain of the vessel, or the property of the vessel as he shall judge proper in order to enforce the laws..

26. It shall be lawful for the harbor masters of the various harbors to call for the papers of the vessels which anchor at these Islands. If they are called for and not presented, then the vessel shall not trade at all at these Islands, and no privilege shall be granted her here, and the Governor may act his judgment in

the case. But if the papers are presented, the harbor master shall by no means take the papers away from the ship.

27. All Captains and Masters of vessels coming to these islands and regarding the laws of the same, shall enjoy full protection and succor in the same manner as native born citizens of the Hawaiian Islands.

28. If it should be discovered that any captain of a foreign vessel has violated the laws of the harbor, and then leaves and goes to another harbor, he shall not be permitted to trade there, nor to enjoy any privilege, until he has settled for his fault according to law.

The same also in relation to vessels violating the law and leaving, but afterwards return, and even though under another Captain, it shall be the same, no privilege shall be granted, until the crime formerly committed be settled for. And the Governor shall pursue such a course as he perceives to be necessary in order to carry out the law.

29. If any vessel arrive and lie off and on, or even anchor at any place at the Hawaiian Islands, and at once commit any act in violation of the laws, before the harbor master or Pilot arrive, then the Captain of the vessel, and not the Pilot shall be accountable for that crime.

#### LAWS APPLICABLE TO THE HARBOR OF HONOLULU ONLY.

1. Vessels approaching Honolulu and desiring a pilot, will set their national ensign, and pilot signal, on which he will go off immediately and shall be rewarded according to the following rate,

For taking a vessel in, one dollar pr. foot.

For taking a vessel out, one dollar pr. foot.

2. When a vessel arrives in the harbor then the harbor master shall immediately go on board and carry the harbor laws according to the requirement in section fifth. Then the Captain shall exhibit the papers of the vessel, and make known the business for which the vessel has come. He shall also deliver to the harbor master the manifests spoken of above.

3. Vessels entering the harbor for refreshments or for repairs, and not for trade will pay harbor duties as follows,

For the outer harbor 6 cents pr. ton.

For the inner harbor 10 cents pr. ton.

For the buoys 2 dollars.

But if the vessel have goods on board selling at regular sale, then she shall pay the same rates as are paid by merchant ships.

4. Vessels entering the harbor for purposes of trade will pay harbor duties as follows,

For the outer harbor 50 cents pr. ton.

For the inner harbor 60 cents pr. ton.

For the buoys 2 dollars.

Any foreign vessel entering this harbor and then leaving it for some other harbor of the Hawaiian Islands, shall not on its return to this place be required to pay harbor duties again. But if she visit a foreign country or prosecute her business at sea, and then return, such vessel shall pay duties as on her first entrance. But if a merchant ship be driven in by stress of weather or by misfortune, and do not enter for purposes of trade, then said vessel shall pay the same duties as vessels entering for refreshments. If after entering the harbor she trade to small amount, not exceeding one thousand dollars, she still does right. But all vessels which land or take off a considerable amount of cargo shall pay the fifty or sixty cents pr. ton according to the above requirement.

5. If it be an Hawaiian vessel, and have a Hawaiian Register, she shall pay no harbor duties. If the vessel be owned by a resident foreigner who has taken the oath of allegiance to this Government, the vessel shall pay no harbor duties. If the vessel be owned by a resident foreigner having a dwelling house or shop on shore where he permanently resides, though he have not taken oath of allegiance, his vessel shall pay but half duties. But if the vessel be owned by two or more persons, one of whom resides in a foreign country, there shall be no diminution of the harbor duties.

6. All vessels at anchor are forbidden to throw stones and heavy rubbish overboard in the harbor. Let it be carried on shore. Any vessel throwing its rubbish into the harbor shall be fined ten dollars for the first offence. If done again twenty dollars, and thus the fine shall be doubled for every repetition of the offence.

7. Furthermore, at half past seven a clock in the evening, a gun will be fired from the fort, when all boats and seamen shall return to their ships; the whole must return, and at eight a clock another gun will be fired. When the second gun is heard, then all seamen [remaining on shore] will be seized and delivered to their several Consuls, who will pay to the police officers two dol-



lars for each seaman thus seized\* And it shall be the duty of the police officers to examine and search, at the houses of entertainment and other places frequented by those men. And whatever native or foreign resident, shall aid, secrete, or entertain a seaman on shore in violation of this law shall pay ten dollars. And whosoever shall oppose the police officers with force in their search for such persons shall be fined ten dollars.

8. No vessel shall leave the harbor until a certificate from the harbor master be granted, certifying that the port regulations have been complied with for which he has the right to demand one dollar. Any vessel which sails without such certificate shall be fined one hundred dollars. And the pilot is hereby forbidden to take any vessel out of the harbor until such certificate is presented. And those Consuls also that take charge of the papers of ships belonging to their several countries are requested not to deliver up the papers until the conditions of this section are complied with.

LAWS APPLICABLE TO THE PORT OF LAHAINA ONLY.

1. Whenever a foreign ship or vessel shall anchor off Lahaina, she shall be visited as early as convenient by the Harbor Master, who shall exhibit to the commander of said foreign vessel, a certificate of his appointment, signed by the Governor of the Island.

2. Every Master of a foreign vessel who desires the privilege of purchasing refreshments for his vessel at Lahaina, shall pay to the Harbor Master, ten dollars, in return for which said Master shall be entitled to receive five barrels of potatoes, with the privilege of purchasing at pleasure in the market, supplies for his ship, according to the rules of the place. He shall also be entitled to the protection of the laws, both for himself, his officers, his men and his property, as long as he and those under his command obey the laws of the Island.

3. It shall be considered irregular for sailors from foreign ships to spend the night on shore without the leave of the Governor, and whoever is found on shore one hour after sunset, shall be put in confinement until morning and then be delivered to the

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\*The design is that the Captain pay the two dollars to the Consul. But if the Consul prefer not to pay, then the delinquent shall be taken to the fort, and shall be delivered to the Captain on his paying six dollars as is done with all persons who have been confined.

Master of the vessel to which he belongs, who shall pay to the Harbor Master six\* dollars for every man thus delivered.

4. If on account of sickness or for other reasons, any Master of a vessel shall wish to have his men on shore during the night, he shall first apply to the Governor of the place, and receiving his permission, the men may reside on shore, but shall remain within the limits assigned them by the Governor, or shall be subject to confinement and penalty according to the 3d section of this law.

5. Henceforth two lights will be kept burning, one directly above the other and opposite the entrance for boats. All ships anchoring at Lahaina and making any purchases, shall pay one dollar each towards the support of said lights.

When these laws are printed and given to any Captain of a vessel then the laws will be applicable to that vessel. And on the first day of September of the current year they will become binding in all parts of the Hawaiian Islands.

All these harbor laws are enacted by the Nobles and Representatives and we have set our names on this fourth day of May in the year of our Lord one thousand eight hundred and forty one at Lahaina, Maui.

(Signed) KAMEHAMEHA III.  
KEKAULUOHI.

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## CHAPTER XXVIII.

### A LAW TO PROMOTE THE QUIET OF THE NIGHT.

Whereas it has become a real evil that many persons by making loud noise in the night so disturb the rest of quiet persons that they cannot sleep; and whereas innocent persons are thus made to suffer through the fault of the guilty; and whereas it is the business of the law to relieve the distresses of the people and protect the injured, therefore at a council of the Nobles and of the Representative Body, the following law was enacted:

1. All loud hallooing and other noise by night are taboo. If one call loudly to another by night, after nine o'clock, and that too without good reason for thus calling, or make a noise

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\*Since altered to two dollars.

without a reason for it, or sound an instrument unnecessarily, that man commits a fault, and shall be fined from one to five dollars, according to the magnitude of his offense, and if the police officers or judges think it necessary to confine him in prison till morning, they may do it.

2. This statute applies to all who go about in a riotous or tumultuous manner by night, and it applies to every kind of noise which disturbs the rest of those who sleep. But if a man be in straitened circumstances he may call aloud, as in case of fire, or if there be any other just reason for the noise, it may be made, but there shall be no hallooing or noise, unless there be a necessity for it.

If this law be proclaimed in any village or in any district, then the day of its proclamation shall be the day of its taking effect at that place, but if it be not proclaimed, then the first day of September of the current year, shall be the day of its taking effect at all places on these Hawaiian Islands.

All the words of this statute having been fully approved both by the House of Nobles and House of Representatives, we have therefore set our names hereunto on this sixth day of May, in the year of our Lord one thousand eight hundred and forty-one, at Lahaina, Maui.

(Signed) KAMEHAMEHA III.  
KEKAULUOHI.

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## CHAPTER XXIX

### A LAW RESPECTING GAMBLING.

Whereas there are many people who neglect profitable business, which would be of advantage to themselves, their children and the country, and spend their time in employments which waste their property and do injury to their children, it therefore becomes the duty of the law to ward off these evils and seek to promote the greatest good. These are the reasons for enacting the following law:

1. If two persons gamble and one win of the other; if the sum be actually paid down before the face, they shall each pay a fine equal to the full amount of the wager. But if they merely make mention of property as a mere symbol, then they shall each

pay a fine of five dollars. But if the property thus symbolically mentioned be very small, then the fine may be diminished in proportion to the value of the property spoken of.

2. If the gambling be done on the Sabbath day then the fine shall be double what is mentioned in the first section.

3. If children below the age of fourteen years gamble, then the punishment shall be committed to the parents, but if they do not inflict any, then the law will be applicable.

If this law be proclaimed in any village or district, then the day of its proclamation shall be the day of its taking effect in that place, but even if it be not proclaimed it shall nevertheless take effect on the first day of September next.

This law has received the approbation of the House of Nobles and House of Representatives. We have therefore subscribed our names on this eleventh day of May, in the year of our Lord one thousand eight hundred and forty one, at Lahaina, Maui.

(Signed) KAMEHAMEHA III.  
KEKAULUOHU.

## CHAPTER XXX.

### A STATUTE RESPECTING FORGERY.

From ancient times down to the present all men have well understood that forgery is a great crime. Then it was death, but at present the law is not so severe as it was then. It must however be prohibited, and so great a crime must be punished.

Wherefore, in a council of the Nobles and Representative Body, all the requisitions of this law were approved.

1. If one individual deceptively subscribe the name of another to any writing for the purpose of gaining possession of his property, or obtaining something valuable, he shall be punished in the same manner as a thief. Whether he actually gained possession of the property or not makes no difference. If however he did not gain possession he shall merely pay quadruple, but if he gained possession he shall then pay quadruple and in addition shall restore the principal. If the forgery were for a large amount of property, he shall be banished. The punishment shall be precisely as in the case of theft.

2. If any one deceitfully subscribe the name of another to

any writing, which does not endanger property, he shall then be punished according to the nature of the offense. If any one suffer in any way from the writing then the criminal person shall pay according to the amount of suffering, which is to be submitted to the discretion of the judges, they examining into the nature and magnitude of the offense.

3. If a man commit the like offense again, after having been once punished, he shall then be banished to another country, at the discretion of the judges, they considering the magnitude of the offense.

If this law be proclaimed in any village or in any district, the day of its proclamation shall be the day of its taking effect at that place, but even if it be not proclaimed, it shall nevertheless take effect at all places on these Hawaiian Islands, on the first day of September of the current year.

To all this the Nobles have given their approbation, and also the Representative Body, we have therefore hereunto set our names on this nineteenth day of May, in the year of our Lord one thousand eight hundred and forty-one, at Lahaina, Maui.

(Signed) KAMEHAMEHA III.  
KEKAULUOHI.

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## CHAPTER XXXI.

### LAW RESPECTING THE COUNTERFEITING OF MONEY.

In the management of trade men must necessarily make use of money. It is in that that estimates are made, it is also the basis referred to, and is the article in which debts may always be cancelled. Wherefore, if any man adulterate the money so that it becomes of uncertain value, the community suffers, trade is embarrassed, the property of individuals is not safe; wherefore, in a council of the Nobles and Representatives the following law was enacted;

1. If any one counterfeits a coin for the purpose of trading fraudulently, or if any one take counterfeit coin made by another, for the purpose of trading it away, as one trades away good money, that man shall be brought to trial, and on conviction thereof, shall be banished to another land, there to remain for the term of five years.

2. If any one be accessory to the making of false coin, or knows of one's making it without giving notice thereof to the government, or if any one endeavor to increase his property by trading in false coin, or in money which he knows is not good, he is guilty of the same crime as the one spoken of in the first section. Whoever does it shall be brought to trial, and on conviction thereof shall be banished to another country, there to remain for the term of five years.

3. If any man receive counterfeit coin from another and pay it away again to a third person without knowing it to be bad money, he commits no crime, but that money shall be returned to the former possessor and he shall pay good money in place of the bad which was returned.

4. If any one receive money which is counterfeit, and afterward discover it, or hear from one who is acquainted with it that it is counterfeit, then that man is criminal if he trades it away to another without giving notice that it is counterfeit. Whoever does thus shall pay two good dollars for every bad one, and in addition to this shall pay one to the government. And this shall be the rate even to the farthest extent.

5. If the criminal be a foreigner and from another country, and he counterfeited the money at some other place, but landed on these shores having said money in his possession, the law will in that case be applicable to him in the same manner as it does to native born citizens who commit the crime on shore.

On the first day of September of the current year, this law shall take effect at all places on these Hawaiian Islands.

All these edicts having been approved by the House of Nobles, and House of Representatives, we have hereunto set our names on this seventh day of May, in the year of our Lord one thousand eight hundred and forty one, at Lahaina, Maui.

(Signed) KAMEHAMEHA III.  
KEKAULUOHI.

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## CHAPTER XXXII.

### LAW RESPECTING PERJURY.

There is a distinction between falsehood and perjury. If a man be brought to trial for the commission of some fault, and he

denies it, even though really guilty, still he is not a perjurer. He is only guilty of falsehood. The following is perjury: If a man be brought to trial before the judges, and there come forward a witness, and take hold of the word of God, and swear by it to speak the truth, and afterward state that which is false for the purpose of bringing a faultless person into difficulty, or for the purpose of freeing a guilty man from punishment, he is a perjurer. If a man merely make a mistake that does not make him a perjurer. But if a man designedly attempt to deliver a guilty person, or involve an innocent one, and in consequence of such design, states a falsehood, or conceals what he knows, he is a perjurer, and the following law shall apply to him.

This law applies to him who stands before the chiefs and judges, and gives testimony at a trial, and that testimony proves to be false. Such an act is highly criminal, wherefore in a council of the Nobles and Representative Body, all the words of this law were approved:

1. If a man be brought to trial and a witness come forward and laying his hand on the word of God swear to speak the truth, and afterward testify falsely with a design to procure the condemnation of the innocent or the acquittal of the guilty, his punishment shall be as follows: If the statement have reference to the life or death of a man, he shall be banished to another country, there to remain for the term of from ten to fifteen years, according to the magnitude of the offense.

If his testimony have no reference to the life or death of a man, he shall be whipped twenty lashes, and then suffer such further punishment as he thought to bring on an innocent person, or as he thought to relieve a guilty person from. Thus, if he testify falsely that a man has stolen, he shall then suffer the punishment of a thief. If he testify falsely that a man has been guilty of rioting, he shall suffer the punishment of a rioter.

2. If a man be suspected of perjury, he shall not be punished, until some other witness appears than the one whom he belied. If some other witness than the one who was belied should come forward, a witness having no interest on either side, and that impartial man should so testify that it becomes clear that the accused man did really testify falsely, then his guilt shall be considered as established, and he shall be punished as specified above.

3. If a man be punished for the crime of perjury, he can

never afterward appear before the chiefs or judges as a witness, his words will never again be received as truth.

This law shall go into effect on the first day of September of the current year, at all places in this archipelago.

All the words of this law having received the sanction of the House of Nobles and of the Representatives, we have hereunto set our names on this seventh day of May, in the year of our Lord one thousand eight hundred and forty one, at Lahaina, Maui.

Signed . KAMEHAMEHA III.  
KEKAULUOHI.

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## CHAPTER XXXIII.

### LAW RESPECTING ASSAULTS.

Listen ye people of all lands, the high and the low, for no man will escape who disregards the words herein written.

1. This law forbids quarreling. If two persons quarrel and one strikes another with his fist or anything else, but without hurting him much, he shall be fined six dollars as in case of riot. If a severe wound be inflicted, the fine shall be increased, even to the farthest extent, proportioned to the injury done to the wounded person.

2. If one way-lay another by night or even by day, or go slyly to his place and attack him by force, and commit an assault upon him, or strike him, or give him a blow with the fist, and yet do not kill him; or if two persons meet each other in the street and one use violence on the other, on account of some previous ill-will, and do him an injury, all these crimes are alike. If any man do either of all these things, he shall be brought to trial and on conviction thereof, shall be banished to another country, there to remain for a term of four years. But if the judges discover some mitigating circumstance he may diminish the number of years, or substitute a fine of money, of from one to five hundred dollars, according to the magnitude of the offense.

If this law be proclaimed in any village or district, the day of its proclamation shall be the day of its taking effect in that place, but even if it be not proclaimed, it shall nevertheless take effect



at all places in this archipelago, on the first day of September of the current year.

All the words of this law have been approved by the House of Nobles and House of Representatives, and we have therefore subscribed our names to the same on this thirty-first day of May, in the year of our Lord one thousand eight hundred and forty one, at Lahaina, Maui.

(Signed)      KAMEHAMEHA III.  
                         KEKAULUOHI.

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## CHAPTER XXXIV.

### LAW RESPECTING LEWDNESS.

This law forbids lewdness. A man and woman who are not married according to the laws of the land, and sleeping together carnally, they are lewd persons, and according to this law shall be condemned and punished, as specified in the following particulars:

1. If a man commits a rape upon a woman, making use of force upon her, because the woman does not assent to his solicitations, and actually have carnal intercourse with her without the consent of the woman, the fine of that man shall be fifty dollars. But if the man thus committing a rape upon a woman be a man of distinction, or a man of property, or if the woman be a person of distinction, and the crime of the man have special aggravations, the judges may increase the punishment of the man thus highly criminal, and if the judges think best they may banish him to another land, there to dwell for four years, or they may put him to hard labor in a prison, at the discretion of the judges.

2. If a man by violence attempt to commit a rape upon a woman, and the woman by fleeing, or by her strength, or by making an outcry, or by the aid of another escapes, so that the man has no carnal connection with her, he shall in that case be brought to trial, and on conviction thereof, shall be fined to half the amount of the man who actually consummates the crime. In all cases of punishment for rape one fourth of the fine shall go to the government, and three fourths to the assaulted woman.

3. If a man go secretly to the place of a woman while she is asleep, for the purpose of having carnal connection with her

without her consent, that is the same as rape. A man that does this shall be brought to trial and on conviction thereof shall be punished in the same manner as in case of rape mentioned above.

But a woman of bad character, even though she suffer violence, shall receive no part of the fine of the condemned man. Women of good character and they only shall receive a portion of the fine from the criminals.

4. If a man have a wife of good character, having never been involved in law, and having no appearance of being vicious, if that husband take another woman and sleep with her, then that innocent wife may say a word in relation to her husband. If the wife choose to separate from him for life, she shall have a right to do so, and she may marry another husband. In that case the adulterous husband shall be banished to another land there to remain for four years. But if the woman choose to continue with her husband she may do so, and he shall not be banished to another land, but shall be punished as follows: He shall pay a fine of thirty dollars, one half to the husband of his accomplice, and one half to government, though the police officer shall take his portion before the division is made. But if his accomplice have no husband, then the whole shall go to government and the police officer. But if the fine be not paid in money nor other property, he shall then be made to work in the prison for the term of eight months. But if the wife of said man be of bad character, then she shall have nothing to say in the case; they shall not separate; the man shall not be banished to another land. His fine shall be thirty dollars, or he shall be put to hard labor as required above.

5. The same that is required in relation to the husband of a respectable wife, when that husband is guilty of adultery, the same also shall be required in relation to the wife of a respectable husband, when that wife commits adultery. If that woman take another husband and they sleep together, then her own proper husband shall have a word to say respecting her. If he choose to separate from her for life, he shall have a right to do so, and he may marry another wife. In that case the adulterous wife shall be banished to another land, there to remain for the term of four years. But if the husband choose still to retain his wife, he has a right to do it, in which case she shall not be banished to another land, but shall be punished as follows; she shall pay a fine of thirty dollars, one half to the wife of her accomplice, and one half to the government, the police officer however shall take

his portion before the division is made, but if her accomplice have no wife, then the whole fine shall go to the government and the police officer. But if the fine be not paid, neither in money nor in other property, then she shall be put to hard labor in the penitentiary for eight months. But if her own husband be also of bad character, then the husband shall have nothing to say in the case; they shall not be divorced, nor shall the woman be banished to another land. She shall be fined thirty dollars or put to hard labor as above.

6. If a single man or a single women take a married person, and commit adultery with her or with him, then the punishment of the unmarried person shall be thirty dollars, or in default thereof shall be put to hard labor for government in the penitentiary for the term of six months. But if the married person be the soliciting party then the unmarried person shall be fined only fifteen dollars, or be put to hard labor for the government for the term of three months.

7. If a married man take a young woman of good character, and has always sustained a good character, and seduce that woman and commit adultery with her, then the man shall pay to the father of the seduced girl fifteen dollars, after which he shall be further punished as is required in the fourth section of this law.

8. If an unmarried man and an unmarried woman sleep together and are found, if they choose to marry, and there is no legal obstacle in the way of their marriage, then they shall be fined three dollars each, after which they may marry. If they do not marry then they shall be fined, the soliciting party twenty dollars, and the yielding party ten. But if it be not proved which is the more guilty party, then each shall be fined fifteen dollars. But if it be not paid then they shall be put to hard labor, the soliciting party for five months, and the yielding party two and a half. But if their crime be equal then they shall both serve for the term of four months.

9. If a woman commit fornication and thereby become pregnant, then she shall not be punished till after the birth of the child. If the child be still-born she may be punished, but if the child be living, the following shall be her punishment, she shall take good care of the child, but if she do not take such care then the judges may fine her to the amount of fifteen dollars, and that money shall be appropriated to the benefit of the child.

10. If a man take to himself a harlot and commit whoredom

with her, that man shall pay five dollars, and the woman shall be taken to the house of correction, for the term of four months, and shall be put to hard labor there, as are all the women of that house. The man also, if he do not pay his fine, shall be put to hard labor for four months, or be flogged twenty lashes. But if the woman be the soliciting party, and present herself as a prostitute, she shall in that case pay a fine of ten dollars, after which she shall be taken to the house of correction for four months and be made to labor as is the custom with all the other women of that house. If she do not pay the ten dollars fine, she shall then remain in the house of correction for the term of eight months.

11. If a parent give up his child to whoredom or prostitution, the child shall then escape and not be fined, but the parent shall pay a fine of fifty dollars, and one half of the money shall be paid to the child whom he prostituted, and that parent shall moreover be flogged thirty stripes. This edict which applies to a parent giving up his child, the same also shall apply to a husband who gives up his wife. And if he do not pay the fine, he shall be put to hard labor for the term of one year.

12. Furthermore, whoever acts the part of a pimp in procuring either females or males, and whoever panders for prostitutes or whoremongers and whoever in any way acts the part of a pander, or is accessory to whoredom, or attempts to make profit from it he shall be fined for each or any of these crimes, fifty dollars, or shall be put to hard labor for the term of one year. Such shall be the punishment for all persons who promote criminal intercourse between the sexes.

13. If a woman have a husband living and they have not been divorced, and that husband take another woman and marry her, having gone in a deceitful manner to the Governor or his agent, and obtained a certificate of marriage without the knowledge of the person giving it that he had a wife living, and thus marry the new woman, that husband is exceedingly criminal and shall be punished in the following manner. He shall be put to hard labor for one or two years at the discretion of the judges. Though if the judges think it better to impose a fine, they shall have a right to do so, at their discretion, but the fine shall not exceed two hundred dollars, nor shall it be less than one hundred. If the woman married ignorantly without any knowledge that her husband had another wife, then half of the fine shall go to her. But if she knew before hand that he had another

wife, then she too shall be fined, to half the amount required of the adulterous husband. The subsequent marriage shall be null, they shall separate.

The same that is determined respecting a married man who takes a second wife, the same also is determined respecting a married woman who criminally marries a second husband. They shall be punished alike and the last marriage shall be null.

14. Furthermore, incest between relations is exceedingly criminal, so also are incestuous marriages. In the law regulating marriage it is clearly stated what relations are forbidden to marry. If any of those relations forbidden to marry are guilty of sleeping together carnally their punishment shall be double the punishment of those who have no relationship to each other. The same also of those relations who go deceitfully to the Governor and marry without its being known that they are relations.

And if two persons are at any time married, and it afterward becomes known that they are of such consanguinity that their marriage is forbidden, the marriage shall then become null and void.

15. If any other species of lewdness be committed, such as is not mentioned in this law, the judge shall consider it well, according to the best of his knowledge, he shall pass sentence in accordance with the general spirit of the law. Thus shall he punish that crime.

16. By this law all lewd conversation, and all seductive language, and all lascivious conduct leading to lewdness, and all libidinous solicitations, and all licentious talking among the young, are prohibited. Whoever violates this law shall be punished according to the magnitude of the offense. It shall not be less than two or more than ten dollars.

17. If any persons are guilty of lewdness, but two years pass without their being convicted, they are then free, they shall not be punished.

18. If any individual be confined in prison for lewdness, or be made to serve at hard labor, or placed in the Penitentiary,\* when one half of the specified time is elapsed, then if the person who has charge of him, and the teacher who instructs him,

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\* Previous to the erection of Penitentiaries prisoners shall be put in such places as the Governors shall direct, but the principles of this law shall be regarded.

or other persons of respectability perceive, that said prisoner appears well, appears quiet, having the appearance of repentance, then on their giving notice to the Governor he may set said prisoner at liberty, and he shall serve no longer, nor be confined longer. It is ended, he is pardoned. But this does not apply to those who are banished to another land.

If this law be proclaimed in any village or district, then the day of its proclamation shall be the day of its taking effect in that place, but even if it be not proclaimed, it shall nevertheless take effect on the first day of September of the current year at all places in this archipelago.

All the words of this law have been approved by the Nobles and by the Representatives; we have therefore hereunto set our names this twenty ninth day of May, in the year of our Lord one thousand eight hundred and forty one, at Lahaina, Maui.

(Signed) **KAMEHAMEHA III.**  
**KEKAULUOHII.**

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## CHAPTER XXXV.

### A LAW RESPECTING THE RACING OF HORSES SECRETLY.

The law respecting the abuse of animals is well understood by the people, but still horses are not safe. There is a considerable number of persons who go secretly and seize horses in the night and race them, and by such a mischievous course some horses have been killed. It is clear that this is a very great crime, but there is no statute which particularly prescribes the punishment. Wherefore in a council of the Nobles with the Representatives, the following statutes were enacted.

1. If one seize the horse of another secretly by night, without the knowledge of the horsler, or the owner of the horse, and race him the criminal person shall pay twenty five dollars, ten to the owner of the horse, ten to the informer, and five to the Government. If the horse be damaged, he shall in addition pay to the owner of the horse, the full amount of the damage. If he do not thus pay, he shall be flogged twenty lashes and then put to hard labor for the owner of the horse for the space of two months, and two months more for the informer, and if the horse

were injured by him the labor for the owner of the horse shall be prolonged according to the amount of damage sustained.

2. If a man repeat the offense described in the first section after he has been once punished his punishment shall be double to his former one.

~~If this law be proclaimed~~ If this law be proclaimed in any village or district, the day of its proclamation shall be the day of its taking effect in that place but even if it be not proclaimed, it shall nevertheless take effect on the first day of September of the current year at all places in this archipelago.

All the words of this law have been approved by the Nobles and Representatives, we have therefore set our names hereunto, on this twenty third day of April in the year of our Lord one thousand eight hundred and forty one at Lahaina, Maui.

(Signed) KAMEHAMEHA III.  
KEKAULUOHI.

## CHAPTER XXXVI.

### LAW PROHIBITING THEFT.

We hereby prohibit all stealing, and felonious seizure, and violent plundering, and taking secretly the property of others. Whosoever does any of these things with a real thievish intent, is obnoxious to this law, and shall be punished as follows:—

Whosoever shall steal, or take secretly with a thievish design the property of another, and whosoever shall lyingly carry away and secrete in a thievish manner the property of another shall be punished thus:—

1. If the stolen property be less than two dollars, then he shall be fined four times the amount of the property which he stole. If one dollar be stolen, four dollars shall be the fine, which with the original sum makes five dollars, two to the government, and two to the owner of the stolen property, together with the original sum, which makes three dollars. If two dollars be stolen, then the fine shall be eight dollars; four to the government, and four to the owner of the stolen property. If he fail to pay these, he shall be put to hard labor, which he shall perform of a value equal to the fine, a portion of the labor for the government, and a portion for the owner of the property.

2. If the amount of property stolen be more than two dollars, but less than a hundred, the thief shall then be fined according to the first section of this law, and shall, moreover, be put to hard labor for a term of from four to eight months, as the judges shall determine from the character of the theft.

3. If the property stolen amount to more than a hundred dollars, then the stolen property shall all be restored, and [the thief,] shall pay all the loss sustained by the owner of the property. When all this is paid, then the thief shall be transported to another land, there to remain for a term of from five to ten years, according to the aggravation of the theft, as decided by the judges.

4. If a man be punished according to the above requisitions, and afterwards steal again, either little or much, it shall then be proper to transport him to another land, at the discretion of the judges, according to the degree of his incorrigibility, or the greatness of his crime.

5. If the thief be unknown or is not seized by the owner of the property, and he does not know who stole it, then whosoever brings it to light shall receive one fourth of the fine, and the owner of the property one fourth, together with the original amount.

6. If a man steal property and be detected by the owner, and they shall agree together as to the settlement, they may do it, and that agreement of theirs shall stand. But if it become public after their settlement, then the thief shall pay the government portion of the fine according to law, but shall pay nothing more to the owner of the property.

7. If any one be condemned to reside in another land, according to the requirement of this law, and he prefer to pay a fine in money, this is the amount he shall pay, two hundred dollars for each year for which he is sentenced by the judges. Whoever pays a fine thus, shall be freed from transportation, though at the discretion of the judges.

8. Should this law be proclaimed in any village by a crier, then the day of its proclamation shall be the day that it takes effect. But if not proclaimed, then the first day of December, 1840, shall be the day that it takes effect, and by this act all former laws respecting theft are repealed.

This act is passed by the government of these Sandwich Isl-



ands, on this tenth day of September, in the year of our Lord 1840, at Lahaina, Maui.

(Signed) KAMEHAMEHA III.  
KEKAULUOHI.

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## CHAPTER XXXVII.

### LAW PROHIBITING BURGLARY.

We hereby prohibit the breaking open of houses, and the secret entering of windows, and also the forcing of doors and windows. If any man does either of these things to the house of another, he is obnoxious to this law.

1. If any man secretly break open a substantial house of another in the night, and enter, and steal property, little or much, the crime is similar, and he shall be punished according to the requirement of the third section of the law prohibiting theft.

2. If any man secretly break open a substantial house of another in the night, and enter with felonious intent, though nothing be taken away by him, he shall nevertheless, be punished by transportation to another land for the term of three years.

3. If any man secretly break open a substantial house of another in the night, with a felonious intent, and while some person is resident in the house, said burglar having weapons of death in his possession, that is a great crime, and the man committing it shall be condemned to reside on another land till death.

4. If the house broken open be one of thatch, or not a substantial house, or if there be some other thing which shall materially mitigate the crime, then it shall be in the power of the judges to diminish the punishment or change it, and not adhere rigorously to the above specifications. The judges are to look at the nature and magnitude of the offense.

5. Should this law be proclaimed by a crier in any village, then the day of its proclamation shall be the day of its taking effect in that place. But if not proclaimed, then the first day of December, 1840, shall be the day of its taking effect, and by this act all former laws relative to burglary are repealed.

This act is passed by the government of these Sandwich Islands, this tenth day of September, in the year of our Lord 1840, at Lahaina, Maui.

(Signed) KAMEHAMEHA III.  
KEKAULUOHI.

## CHAPTER XXXVIII.

## LAW RESPECTING MURDER.

1. We prohibit murder. Let no one of any country commit murder here. Whoever takes the life of another with a malicious design to kill, he shall die. Whoever in anger destroys human life, yet not intending to kill, he shall be imprisoned four years.

2. Whoever aids in destroying human life with an intent to kill, he shall die. Whoever aids in destroying human life, yet not designing to kill, he shall be imprisoned four years.

3. Whoever with malice incites or entices to the commission of murder, if the murder be actually committed, he shall die. Whoever incites or entices another to kill, and no life is thereby taken, he shall be imprisoned four years.

4. Whoever in anger stabs with a sharp instrument, or strikes with a weapon, or throws missiles, and the life of an individual is thereby destroyed, he shall die. Whoever stabs with a sharp instrument, or strikes with a weapon, or throws missiles with malicious intent to kill, yet no one dies thereby, he shall be imprisoned four years.

5. Whoever threatens to take the life of a person, and the deed is actually committed, he shall die. Whoever threatens to take the life of a person and actually beats him but not to death, he shall be imprisoned four years.

6. Whoever robs and kills a person, he shall die. Whoever robs a person but spares his life, he shall be imprisoned four years.

7. Whoever kills a shipwrecked person, whoever drives fatally a person into a place of death, whoever destroys a child after its birth, whoever (maliciously) burns a house with fire,—all these are reckoned as murderers. And if the criminal sentenced to imprisonment chooses to commute with money, he shall pay fifty dollars for each of the four years, and then be lawfully discharged; but in failure thereof he shall be put to labor till the four years expire, then be discharged. If the said criminal is again guilty of the same crime, he shall be fined one hundred dollars for each year, and in this ratio shall his sentence be increased till the fourth offense. This shall be the judgment of those who escape capital punishment.

8. Furthermore, whoever plots the death of the King, and prepares the means of his destruction, his crime is similar to that

of murder,—he shall be put in irons and banished to another land and there remain till he dies.

KAUKEAOULI.

*The foregoing law respecting murder was enacted in the year 1835, and is still in force at the present time. The following additions have been made however.*

9. If any one attempt to dethrone the King who has possession of the kingdom, or to transfer the kingdom to any other chief, or to any other person than the one who owns the kingdom, he shall be banished to another country for life, and all his property shall be confiscated.

10. Whoever shall plot the death of a Governor or of any high chief, or speak evil of the chiefs for the purpose of bringing them into difficulty, and whosoever shall threaten the life of any high chief, or the dispossessing him of his rank, and whosoever shall either in conduct or words exhibit treason, and whosoever shall excite others to treason against the King, or a Governor, or against any high chief, whosoever does any of these things is guilty of a great crime, and he shall be condemned. His punishment shall be that of banishment to another land at the discretion of the judges, they looking at the magnitude of the offense. It shall not however exceed ten years, nor be less than five. He shall furthermore be dispossessed of all his real estate, though if the King choose to give it to his child, he shall have a right to do so at his discretion.

We have given our assent to the above and therefore set our names on this second day of June in the year of our Lord one thousand eight hundred and forty one.

(Signed) KAMEHAMEHA III.  
KEKAULUOHI.

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## CHAPTER XXXIX.

### A LAW RESPECTING DRUNKENNESS ESTABLISHED IN THE YEAR OF OUR LORD 1835.

1. We prohibit drunkenness. Whoever drinks spirituous liquors and becomes intoxicated, and goes through the streets riotously, abusing those who may fall in his way, he is guilty by this law. He shall pay six dollars in money, or in other prop-

erty of the same value, and for want thereof he shall be whipped twenty four lashes, or be condemned to labor one month, or be imprisoned one month, at the expiration of which he shall be discharged.\*

2. If the intoxicated person, or a riotous person not intoxicated, breaks downs a fence he shall pay one dollar for each fathom, be the same more or less. And if the offender does not make redress according to this enactment, he shall rebuild the fence which he has broken down. But if the breach in a fence, or in a house be small—for this law is applicable to houses also—the fine likewise shall be small, and if the aggressor refuses to pay it he shall be imprisoned one month and then liberated. This is the punishment for damaging a fence or a house.

3. When the individual who damages a fence or house pays the amount forfeited by his crime to the owner, he the owner shall pay to the judge one fourth of every dollar, which the fence breaker, or the house breaker shall pay.

(Signed) KAMEHAMEHA III.  
KEKAULUOHI.

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## CHAPTER XL.

### A LAW REGULATING THE SALE OF ARDENT SPIRITS.

Whereas we have seen that drinking of ardent spirits and other intoxicating liquors is of great injury to our country; therefore I with my chiefs have sought for the means of suppressing it.

1. We prohibit all selling of spirits by any person whatsoever, either openly or secretly, without written license. Whoever is detected selling, or doing contrary to this law, shall be fined fifty dollars; and if he sell again he shall be fined one hundred dollars; thus shall the fine be increased by the addition of fifty dollars for every repetition of the offense, to the utmost violation of this law.

2. If however any person, whether foreigner or native, sell

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\* In the reestablishment of this law certain clauses were left out.

spirits by the barrel or large cask, he will not be amenable to this law, but any person who sells in any smaller quantity, will be liable to the penalty.

3. Any house having been licensed for retailing spirits, may sell by the glass, but not by any larger measure; and its doors must be closed by ten o'clock at night, and all visitors must go away until morning. And on Sunday such house shall not be opened from ten o'clock on Saturday night until Monday morning.

4. We prohibit drunkenness in the licensed houses. If any one, whether foreigner or native, drink and become drunk at such house, the owner of the house where he got drunk shall pay the following fine. Ten dollars for the first offense, twenty dollars for the second, and thus the fine will be increased by the addition of ten dollars for every repetition, to the extent of his misdemeanors.

5. The officers appointed to this duty will watch, and they will quietly observe what is going on in the said houses. Let no one obstruct them in their duty.

6. Any house licensed for selling spirits, and conducting in a manner at variance with this law, will, on conviction have its license taken away and it will not be given back again.

(Signed) KAMEHAMEHA III.

Lahaina, March 20, 1838.

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## CHAPTER XLI.

### LAW PROHIBITING THE MANUFACTURE AND USE OF INTOXICATING DRINKS.

In our inquiries after the best means of promoting the interests of the kingdom, it has appeared to us that an increase in the production of food is of great importance. Scarcity of food is of course a great evil to the country.

It is said that the present is a time of scarcity, and we therefore have been searching for the cause of it. One reason we ascertain to be the following. Articles of food, potatoes, sugar cane, melons and other things are taken and transformed into intoxicating drink; the people remain in idleness, without labor,

in consequence of their lying drunk; wherefore the land is grown over with weeds and is impoverished.

In consequence of our desire to promote the order and welfare of the kingdom, we have assembled to reflect on the subject, and now enact this law.

1. If any man take potatoes, sugar cane, melons or any other article of food, and transform it to an intoxicating liquor, and drink it, he shall be fined one dollar, and if he do the like again, the fine shall be two dollars, thus the fine shall be doubled for every offense even to the utmost extent.

2. If any one make an intoxicating liquor such as is mentioned above, and give it to another to drink, he too shall be fined according to the first section of this law.

3. Whosoever shall drink that which another has prepared in order to produce intoxication as mentioned above, he too has violated this law, and shall be fined in the same manner as he who prepared the drink.

4. If a man be fined according to the above requirement, and have no money, he may then pay his fine in produce, or if he have no produce, he may pay it in labor, the labor being proportioned to the amount of the fine, or if he do not labor according to the requirement, the punishment may be increased, or he may be confined in irons.

5. When this law is proclaimed by a crier in any village, the day of its proclamation shall be the day that it takes effect at that place. But if it be not proclaimed it shall take effect on the last day of November, at all the places at these Hawaiian Islands.

Enacted by the Government of these Hawaiian Islands, at Honolulu, Oahu, this first day of October, in the year of our Lord 1840.

(Signed) KAMEHAMEHA III.  
KEKAULUOHI.

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## CHAPTER XLII.

### A LAW RESPECTING STABBING WITH A KNIFE AND CARRYING INSTRUMENTS OF DEATH.

Many evil minded persons belonging to the shipping, having while on shore committed various criminal acts with knives, etc., to the general danger of life and limb,

It is therefore hereby made known to all persons whatsoever, That if any person or persons are hereafter found on shore with a knife, sword-cane, or any other dangerous weapon in his or their possession, he or they shall be immediately seized and taken to the fort; and unless good cause be shown for having such dangerous weapon, he or they shall for every such offense pay a fine of ten dollars, or receive twenty-five lashes on the back.

Be it also known, That if any person or persons shall maliciously stab and wound any person, and death does not ensue therefrom, the said offender or offenders, if convicted, shall receive one hundred lashes on his or their back, and pay a fine of fifty dollars—or upon non payment, shall be imprisoned for two months.

The law now in force respecting murder, will be carried into execution upon all offenders.

Given under my hand, at Honolulu, this twelfth day of November, 1833.

KAUIKEAOULI.

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## CHAPTER XLIII.

### LAW RESPECTING THE PAY OF POLICE OFFICERS FOR SEIZING FOREIGNERS.

At the present time many of the police officers are blamed and spoken evil of; and it is said that they entice people to violate the law and then seize them to obtain their money, and some are seized unguilty, and consequently much evil results. In consequence of this conduct, or rather these charges, in a council of the Nobles and of the Representatives, the following law was enacted:

1. If any police officer seize a foreigner for a violation of law and that foreigner be fined, no part of the fine shall go to the police officer. He shall be paid in another way. Nor shall any portion of the fine go to the judges, but to the government only, according as the law declares.

2. Police officers shall be paid for seizing foreigners as follows; when one is seized, the Governor shall take the name of the officer who seized him, and at the end of the year the Governor shall see what officer has done the most business and done it best, and he shall have the most pay, and the officer who has done less

business or not done it so well shall have less pay. Every officer shall be paid according to the amount of business done by him, and the correctness with which he does it. It shall be proper to advance part pay to the officers before the close of the year, for the relief of their necessities. But at the end of the year full payment shall be made according to the excellence of their conduct.

3. This law does not apply to deserters who are taken, nor does it apply to those who are taken for remaining on shore at night after the hour specified. The officers shall have their pay for these out of the money paid for them.

When this law is printed and put into the hands of the police officers, it shall then take effect at all places in this archipelago.

All the words of this law have been approved by the Nobles and Representatives, we have therefore hereunto set our names on this thirty-first day of May, in the year of our Lord, 1841, at Lahaina, Maui.

(Signed)      KAMEHAMEHA III.  
                     KEKAULUOHI.

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1842.

In the month of April in the year one thousand eight hundred and forty two the House of Nobles and House of Representatives assembled in accordance with the requisition of the Constitution, the place of meeting was Luaehu, on Maui. Paul Kanoa was chosen Clerk for the Nobles, and Kapae the Clerk for the House of Representatives. The following are the laws and resolves passed at this session.

## CHAPTER XLIV.

### A LAW RESPECTING BANISHED PERSONS.

Some persons who are banished to another place, are exceedingly mischievous during their stay there, while others, live very quietly. It is therefore proper that they should be dealt with according to their behaviour. These are the reasons for the enactment of this law.

I. If a man be banished to another place, and he go in ac-



cordance with the sentence of the law, and live quietly, maintaining a good character, as one endeavoring to forsake his evil habits and change them for the better, if the Nobles hear of this, it shall be proper for them at their annual meeting to institute an examination and make inquiry, and if they find that what they heard was true, they may then grant a pardon to said criminal.

The man shall then be confined no longer at his place of banishment, he may return to his own place. This however does not apply to those who are banished for adultery.

II. If a man be banished to another place, the Government shall supply his food for the first six months, and the man shall cultivate the ground for himself, and when the six months mentioned above are expired, the Government will aid the man no longer, he must support himself. And when the term of years during which he is to reside at his place of banishment is nearly expired, he shall then cultivate and leave for the government, a certain quantity of food, equal in amount to that which had formerly been furnished him by the Government. But if he do not leave this amount of food for Government, he shall not have his liberty.

III. If a man be banished to another place and abscond [from his place of banishment] he shall receive twenty five lashes, and be returned again to his place. If he abscond again he shall receive fifty lashes. And the number of lashes shall be increased in the same ratio for every time that he absconds.

In consideration of this law, it will be wise for all banished persons to industriously cultivate the ground, that they may live pleasantly. For if they do not grow food themselves, they will have nothing to eat except the wild food of the mountain, the Kupala, and other things growing wild.

IV. Furthermore, if a man while living at his place of banishment conducts mischievously, he shall be flogged at the discretion of the judges, though the judge shall not indulge revenge, but shall pass just sentence.

All the words of this law were approved by the Nobles and also by the Representative body, we have therefore hereunto set our names on this twenty seventh day of April in the year of our Lord one thousand eight hundred and forty two.

(Signed) KAMEHAMEHA III.  
KEKAULUOHI.

## CHAPTER XLV.

A NEW LAW RELATING TO THE BUSINESS OF THE  
TAX OFFICERS.

On account of the frequent difficulties that occur between the people and the tax officers respecting the falling of the signal, and respecting the time of leaving work, and respecting a variety of other things done by the tax officers, therefore [it is enacted.]

I. That the whole 13th section on the 87th and 88th pages be erased, and also the words, "half a dollar, fourth of a dollar, eighth of a dollar," in the third section of the third Chapter: and the man who does not go to work on the labor days of the King, and of the land agents shall be fined as follows, one fourth of a dollar. But if the man arrive at dinner time one eighth of a dollar is the fine. If he arrive just after the falling of the signal of the tax officer at seven o'clock, he shall pay a sixteenth of a dollar. A man who gives previous notice that he shall not go shall pay one rial. The tax officer and the land agent shall not refuse that sum.

II. Furthermore it shall be the duty of the officer to consider what number of men is necessary to accomplish the proposed work; and if the designed work be finished before the specified time, the people may nevertheless return; and so also if the specified time arrives and the work is not finished they may still return.

III. Furthermore, the cultivation of land and other kinds of business done for the tax officers, shall not be required to be done at a distance, but only at places near where the people live who do the work. Though if the King have labor to be done which can not be accomplished by the people of that particular place, then all the people of that country or of that township may be called to do that particular labor but when finished the work shall cease. But if work be done in this way, the signal shall not fall at the place of labor, but at a place near the residence of the people.

IV. Again, if there is a difficulty in relation to the proceedings of the tax officer in any of his transactions, he shall then be brought to trial before the Governor and an unbiased jury, and if the tax officer be found guilty, he shall be fined ten dollars to be deducted from his yearly salary, and that money shall be paid over to the school agent, and when he perceives the teach-

ers to be in want, he shall give it to them. But if the decision of the Governor be thought to be unjust the case may be appealed to the supreme Judges. If the tax officer be afterward guilty of a second offence his office shall be taken from him.

V. If the tax officer prolong the labor, after the time specified in the law, he shall be condemned on a trial before the Governor. But if the people leave the work without being dismissed by the tax officer, they shall pay a rial each. But if one creates confusion among the laborers, or call out that the labor is ended, and thus stop others in their work, two dollars is the fine of the man who conducts thus.

This act having received the approbation of the Nobles and also of the Representative Body we have hereunto subscribed our names on this twenty ninth day of April in the year of our Lord one thousand eight hundred and forty two.

Signed      **KAMEHAMEHA III.**  
**KEKAULUOHI.**

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## CHAPTER XLVI.

### A LAW RESPECTING PRISONERS WHO ABSCOND.

If a man be brought to trial and condemned, and his punishment be assigned, then if said prisoner abscond in order that he may escape the punishment, he shall when found receive an additional punishment. He shall have twenty-five stripes laid upon him, though the Judge shall have a right to reduce them to twelve. After having received these, the first sentence shall then be executed upon him, either by fine or hard labor according to the original decision of the Judge.

If he abscond again after having been once punished, he shall then receive double the number of stripes which he received before. And thus the stripes shall be increased every time he absconds.

This act was passed by the Nobles, and Representatives on this third day of May in the Year of our Lord, one thousand eight hundred and forty-two at Lahaina, Maui, and we have therefore hereunto suffixed our names.

(Signed)      **KAMEHAMEHA III.**  
**KEKAULUOHI.**

## CHAPTER XLVII.

## A LAW FOR THE REGULATION OF COURTS.

There are two distinct kinds of Courts. One kind where the Judges or tax officers decide the case by themselves, and the other kind where they cannot act by themselves but certain other persons must be associated with them. These persons who are associated with them shall constitute the jury.

The suits where the Judges and tax officers may by themselves alone pass sentence, are as follows.

1. All suits relating to assessments and taxation, and the dispossession of lands, and the neglect of lands and indeed all the business of the tax officers they may transact without the aid of a jury. No juries are to sit with the tax officers. But if the case be not settled satisfactorily it may be appealed according to the privilege granted in the constitution.

2. The judges also may try suits brought for small offences. There shall be no jury in such cases. But for trying high crimes there must be a jury impaneled. This is the limit, if the fine or damages amount to less than a hundred dollars, then the judges can try the case themselves. But if they amount to more than a hundred dollars, there must be a jury. The same also is the case in respect to the Supreme judges. If the fine or risk of property amount to more than a hundred dollars, a jury shall be impaneled. In this Archipelago no man shall suffer the penalty of death or banishment, or any other punishment of like magnitude, unless a jury be impaneled and they condemn him.

3. But if a man be brought to trial for any minor offence, and he desire a jury there may be one allowed him. But he must first pay into the hands of the judge, twenty five dollars, and then a jury shall be impanelled; And at the trial, if the man demanding the jury be not condemned, then the above mentioned twenty five dollars shall be restored. But if the person demanding the jury be condemned, then he shall suffer the loss of that money in addition to the fine for his crime.

4. If the amount of property involved in a dispute exceed a hundred dollars, it shall be settled as follows, the plaintiff shall exhibit in writing a particular account of the dispute, and shall pay into the hands of the judge, the sum of one hundred dollars. On demand of the defendant there shall be given him a copy of the complaint, and a legal jury shall be empaneled. At the

trial the jury shall decide who shall suffer the loss of the hundred dollars. But if the trial be before the supreme judges, then the appellant shall first pay two hundred dollars, and the jury shall decide, who shall suffer the loss.

5. At all trials for civil actions the costs of courts shall first be paid after which the sentence of the jury shall be executed. If the property be insufficient, the parties shall suffer that loss, the expenses of the jury and court shall not be left unsettled.

6. If a man be tried for a criminal offence, and he desire counsel, he may select whom he pleases, though he can not select a man of bad character, nor one who uses bad language nor a man disapproved by the judge.

7. If a witness come forward upon the trial of an important case he shall not be allowed to testify until he has taken his oath [or affirmation] on the word of God to speak the whole truth with which he is acquainted, after which he may testify to what he knows.

8. At all courts it shall be the duty of the judge to preside and keep order, and if any one insult the court or create disorder he may be flogged, confined in irons or fined according as the judge shall perceive to be necessary in order to preserve the order of the court. Though these punishments shall not be inflicted by the inferior courts, but merely by courts held before the supreme judges, or before the Governors. If the accused person make disturbance, or use insulting or reviling language, the judge may in addition to the above assign him a counsellor, and then the trial shall proceed though the criminal shall be taken away to another place, and the counsellor only shall be permitted to speak, the criminal shall not speak for himself at all, and no one except the counsellor.

9. At all jury trials the judge is to decide as to the application of the law. He is to explain the meaning of the law. That is not the department of the jury. If the jury wish to know the law, the judge may give them information and explain whatever is not clear. The business of the jury shall be to listen to the testimony of the witnesses and search for the truth. If from what they hear, and the researches they make, in their reflections on the purport of all that comes to their knowledge, they think the accused person has done what he was accused of, then the jury shall say, "The complaint is sustained, the man is guilty." But if they are in doubt, and think as they listen to all the testimony, that the man was falsely accused, the jury shall

then say, "the complaint is not sustained, the man is not guilty." If they are agreed that the man is not guilty, then that is the end of the matter. But if they say the man is guilty, then the judge shall declare the punishment as he shall see is required by the law. If he be in doubt on the subject, he may postpone the decision for further consideration, and make it known at such subsequent period as he shall choose.

10. If a man be tried before the judges, or before a governor, if the man consider that unjust sentence has been passed upon him, it shall in that case be proper for the man to appeal. He must however first pay the fine to the judge if the punishment be a fine, and if at the new trial the man be cleared, his money shall be restored to him with interest. But if he were sentenced to labor or banishment, he shall not be compelled to labor, or sail, but may wait the result of his appeal. He must however pursue the following course. The criminal must find for himself a bondsman, a man of property, this man of property must give to the judge a bond of the following import, "I hereby promise to be responsible for \_\_\_\_\_ and at the time for his trial in the month of \_\_\_\_\_ I will deliver him to the court. But if he absconds, and do not appear before the court, then I will pay to the judge the sum of \_\_\_\_\_ dollars." The number of dollars mentioned in the bond, shall be a little more than the fine for the offence [or proportioned to the crime]. And when the time of trial arrives, if the criminal do not appear before the court, then the bondsman shall pay the amount specified in the bond. But if he can procure no bondsmen, then he shall be kept in prison until the time of trial.

11. In the month of June of each year the Supreme judges shall assemble at Honolulu, prepared to try any cases which may be appealed to them according to the requisitions of the laws.

The same also at Lahaina in the month of December. There shall be two sessions of the court in each year, one at Maui, and the other at Oahu. If any person present a case for trial at any other time, it will not be tried, until the prescribed period. And they will not bring any case to trial of which they are not informed at least one month previous to the session of the court.

12. The juries shall be appointed in the following manner. The Governor of the Island of Hawaii and the Representatives of that Island shall unite, and select forty, wise, reflecting, just men, not foolish men, not men of anger, not intemperate men, they shall select none but just men, and shall write their several

names on separate pieces of paper of the same kind, and shall deposit the papers in a box. When preparation is making by the governor for an important trial, then the box shall be carried into his presence and the tax officer or some other officer shall draw out twelve names without previously looking at them. These men, thus drawn shall constitute the jury for that court.

13. The manner of forming a jury at Maui, Oahu and Kauai shall be the same as that prescribed for Hawaii. There shall be no jury trials back in the country but only at the residence of the Governor and in his presence. If the supreme judges bring a man to trial who has been previously tried by a jury, no man who was on the former jury shall be permitted to sit upon the new one. An entirely new jury shall be drawn.

14. The pay of every native man called to sit on a jury shall be a quarter of a dollar per day. But if the trial be before the supreme judges then the pay shall be half a dollar per day. If the trial be for a criminal offence and the complaint be not sustained, then the Government shall pay the jury. So also if the trial be for a high crime, and the man is condemned to suffer death, or banishment, or to work at hard labor, in all such cases the Government shall pay the jury. But for small offences punishable by fine, where the man himself demands the jury, in such cases he shall pay them, but from the twenty-five dollars previously paid into the hands of the judge.

15. Foreign juries shall be appointed in the following manner where there are a sufficient number of foreigners. There are only two places where there is a sufficient number of foreigners to justify the holding of a session of the Supreme Court among them, for in capital crimes the jury must never be less than twelve in number. In case of other offences the number may be less but never below eight. The following persons shall select the jurymen, viz. The Governor, the tax officer of the place, and the Representative or Representatives of that particular Island, and they shall be selected in the following manner. The appointing officers shall assemble, and call to mind such foreigners as are just and quiet in their lives, not angry persons nor drunkards, but such as are thought to be wise, and lovers of peace. The names of these persons shall then be written separately on small pieces of paper of the same kind, and the papers shall be put into a small box prepared for the purpose. On Oahu, there shall be forty selected, on Maui fifteen. On Hawaii and Kauai it shall be discretionary with the Governors.

16. When the time for a session of the court approaches, then the tax officer, or some other officer in his place shall draw out six or more names according to the necessities of the court, though the number drawn should always be some thing greater than the number required on the jury, lest some fail and the court be embarrassed. If the jury be constituted of foreigners only there shall never be less than eight. If the jury be constituted of half foreigners and half natives, the foreigners shall never be less than six, and the same also of natives. Furthermore, if a foreign vessel be at anchor at the place of the court, and the Governor choose to appoint the Captain or Captains on the jury, he shall have a right to do so. This is to be left entirely to the discretion of the Governor, he considering the nature of the difficulty.

17. At the time of trial, if any one of the jury who was properly summoned do not appear he shall be fined ten dollars, though the judge may excuse him if there is sufficient cause. But the jurymen must be notified at least forty eight hours before session of the court. An officer shall shew him a subpoena. When the jury assembles then if there be exhibited just cause why any one of the jury should not act or good evidence that he is unjustly prejudiced, then the judge shall look at the case, and if he consider the accusations to be well grounded, he shall set that jurymen aside, and another shall be put in his place. But no one shall be set aside if the judge consider that there is not sufficient ground for it.

18. When the jury is organized they shall then be sworn to act according to what they shall conscientiously believe to be truth, and without bias, and to condemn him whom they really believe to be in fault, and justify him who they really believe to be just, listening to the testimony of the witnesses, and reflecting well on every thing which has a tendency to establish the truth.

They have nothing to say respecting the law, that is the department of the judge, he shall determine the meaning, and he shall pronounce the sentence of punishment.

19. All foreigners who act on a jury shall be paid for their services one dollar per day. If the trial be one of great importance so that two hundred dollars are previously paid into the hands of the judge, then each jurymen shall receive two dollars per day.

20. When a man is tried for a capital offense, he shall not be condemned to die unless the jury is perfectly agreed. But



in trials for other crimes three fourths of the jury shall be sufficient to decide the case. But if three fourths do not agree, the Judge shall have power to send them to a tight room, shut the door, set a guard and confine them there until three fourths are agreed. The Judge shall in this respect act his discretion.

21. If the Judges are about to bring a man to trial, and any person is supposed to be acquainted with facts connected with the affair it shall be proper for that man to attend the trial and give in his testimony. And if he be subpoenaed by the Judge to attend, and he does not go, he shall be punished to a degree proportioned to the importance of the trial, but it shall not be less than ten dollars, and may exceed to any extent to which the Judge shall think proper.

If the witness do not wish to go, he may refuse unless he be notified at least twenty four hours previous to the trial.

22. If the accuser and the accused be both foreigners, then the jury shall be made up of foreigners only.

If there be no foreigner on either side, then there shall be no foreigner on the jury.

If there be a foreigner on one side and a native on the other then in forming the jury, half shall be foreigners and half Natives. But if the foreigner accused be a Frenchman, then this law respecting the formation of the jury will not be applicable. *See French Treaty.*

All the words of this Law having received the approbation of the Nobles and Representatives, we have hereunto set our names on this fifth day of May in the year of our Lord one thousand eight hundred and forty two at Lahaina, Maui.

(Signed) KAMEHAMEHA III.  
KEKAULUOHI.

## CHAPTER XLVIII.

### PROCLAMATION.

Know all men whom it may concern, that from and after the twentieth day of the current month, all Government property shall be set apart by itself, and shall be entirely at the direction of the National council, and no portion thereof shall be appropriated except by consent of this council. Neither the King,

Premier nor any Governor nor any other person can take for his own personal use any Government Property, it shall be held sacred to purposes of Government, and all such Property shall be committed to the care of a National Treasury Board.

And it is hereby proclaimed that the Government will never pay any debt contracted even by his Majesty the King, nor by the Premier nor by any Governor, nor by any other person, unless the debt be contracted through the Treasury Board, and the obligation have the signature of the King and Premier.

Whoever contracts a debt, he alone shall be liable for the debt, and his property alone shall go for the payment of it. And lest there should be mistaken opinions as to what kind of property may be seized for the payment of debts, it is hereby clearly proclaimed that lands and fixed property upon them can never be sold at auction, neither can they be permanently transferred. They can not even be leased for years without the consent of the King and Premier. This kind of property therefore can never be seized for debt, for the Government has never relinquished its right to the soil. But nevertheless, if a man have no personal estate, the land and fixed property upon it may be sold at auction on this condition that no person can be the purchaser except a native born citizen; and the right of him who purchases in this manner shall be the same as the right of other natives to their lands.

And if any Governor, Judge, tax officer or any other Government agent, embezzle the Government Property, or appropriate it secretly to his own use, or whoever shall refuse to pay it over to the Treasury Board, whoever shall do any of these things shall be punished as in case of Theft, to be tried and convicted by a competent court.

So also in case of peculation, embezzlement or fraud in the Treasury Board or in either of them. He or they shall be tried as in case of theft and on conviction shall be liable to the same punishment.

This proclamation having received the approbation of the Nobles and Representatives, we have hereunto set our names this tenth day of May in the year of our Lord one thousand eight hundred and forty two at Lahaina, Maui.

'Signed            KAMEHAMEHA III.  
                     KEKAULUOHI.

## CHAPTER XLIX.

AN ACT FOR THE REGULATION OF TAXES, DUTIES  
AND GOVERNMENT PROPERTY.

Not even wisdom itself can give protection to a nation without a revenue. While in poverty the Government has no power. Money is in many cases the same as strength, and the nation, therefore, has energy in proportion to its revenue. It is also a well established principle that the people ought to aid every object which is for the benefit of the country, and it is also the duty of the rich to do more than the poor for they enjoy more.

At the present time the Government is embarrassed for want of funds and the embarrassment will increase unless the revenue be increased. In consideration of these things the following law is enacted.

1. The Law respecting the Land Tax for the year 1841 still remains in force for the current year. The third section however, found on the 68th page is repealed. Arrow Root will be no longer received for taxes, for it is an unprofitable article.

2. The officers and people are hereby informed however, that there is a new article which is very valuable, and that is Coffee. The people would do well to pay their land tax in Coffee, rather than in swine, particularly in places well adapted to the growth of Coffee. And those persons who are in pursuit of wealth would do well at the present time by planting Coffee. Those who raise Coffee will find it the same to them as money. The price allowed the present year will be five pounds to the dollar. But that price will not be permanent; it will fall at no distant period.

3. A new tax is also to be assessed on the stores and victualing houses. If any foreigner or Native own a store in any part of this archipelago, if it be a wholesale store, it shall pay a tax of twenty five dollars per year, and the owner shall receive a wholesale license. But if the store be of a double character, that is, wholesale and retail, the tax shall be fifty dollars and the owner shall receive both a wholesale and retail license.

If any man own a retail store, where goods are not sold by the large quantity, the tax of that store shall be twenty five dollars, and the owner of it shall receive a retail license. These shall be the rates of taxation for all stores of every kind. But no unlawful article can be vended in them.

If any man keep a public house for the entertainment of Cap-

tains of vessels, and gentlemen of the higher class, that house shall be taxed forty dollars a year, and the owner shall receive a license to keep a house of entertainment.

If a man keep a victualing house for other persons than Captains of vessels, or persons of distinction, entertaining only those of a lower class who wish admission, such house shall be taxed only twenty five dollars, and the owner shall receive a license to keep a victualing house. But no unlawful article shall be furnished in said houses.

4. This law shall take effect at all places on these Islands, on the first day of July of the current year. And after said day, there shall be no store, boarding house nor victualing house kept, without a license, as specified above. And whosoever shall keep a store, or boarding house, or victualing house after said day, without a license shall be fined one hundred dollars, and all the goods purchased by the people shall be confiscated. The kapu shall be first proclaimed however, after which the seizure may be made.

5. It is furthermore enacted that all persons keeping houses of entertainment shall keep good order in their houses.

There shall be no noise or disturbance. And it shall be proper for the government to station officers to see to the character of said houses. And if any keeper of a house oppose the officer who is stationed to look to the house, or if he keep a noisy and disorderly house the license of said house shall then be forfeited.

6. Foreigners from other countries shall never be required to pay a poll tax, but their property is liable to taxation, and therefore the present law is passed. But those foreigners and natives who have leased land with the consent of the King and Premier of the kingdom, and have erected stores on said land, they shall not be taxed according to the above requirement, but licenses shall be given them, without pay.

7. It is furthermore enacted that from and after the first day of January in the year 1843 there shall be an ad vallorem duty of three per cent laid on all goods, wares, merchandizes and on every article of trade imported to these Hawaiian Islands from foreign nations. None of the above articles shall be landed on these shores until, the duty be paid, or bonds for payment be given, and the harbor Master has given his consent, and he will not give his consent unless the owner of the property conforms to the above requirement.

*Respecting times for paying duties, see an act passed May 9th, 1839.*

8. If any violate this law, and land goods without paying the duty, or without the consent of the harbor Master, or if a man in any way set the law aside, all the property which is improperly landed shall be seized, and confiscated.

9. The eighth section shall not be considered as applying to whaling ships, that anchor for the purpose of refreshments. It shall be proper for them to barter at pleasure for refreshments and whatsoever is necessary for their vessels. But if they sell cloth or any other article on shore and receive money in payment then such goods shall pay a duty. And if any Captain of a whaling ship, sell in this manner without first paying the duty, his ship will thereby become a merchant ship, and the Captain shall moreover be fined the sum of fifty dollars.

10. There shall be no export duty on any of the productions of these Islands. But if any one carry silver or Gold out of the country, whoever does this shall pay an export duty of three per cent. And whoever shall carry money out of the country in violation of this law shall be fined just such an amount as he carried away.

11. If goods are brought here from foreign countries and deposited with the design of exporting them again, those goods shall pay duties like all others. But if the owner give notice in writing that they are for exportation, he shall then be entitled, when they are taken away, to receive back two and a half per cent, leaving one half per cent transit duty. This shall apply to every kind of property that is landed, but the collector of customs must direct in relation to the storage of such goods. If goods are brought into a harbor for reshipment they shall pay the same transit duty as if landed.

12. It shall be the duty of the Governor of each particular Island to see this law executed at his place. The Governor shall establish such officers as are necessary, and shall give the licenses, to keepers of stores, and houses of entertainment, and he shall pay the moneys into the hands of the Treasury Board.

13. It is further enacted in relation to all ships which anchor at Lahaina, that whereas, masters of ships have uniformly refused compliance with the Quarantine laws, and the expense of examining their ships has therefore fallen on the Government, and whereas the income of the Government is not so great as the expense incurred, therefore from this time potatoes will not

be presented in the manner they have formerly been. Ships will however continue to pay ten dollars each for anchorage, after which trade on shore will be free.

All the words of this law having been approved by the Nobles and by the Representatives, we have hereunto set our names, this eleventh day of May in the year of our Lord one thousand eight hundred and forty two at Lahaina, Maui.

(Signed) KAMEHAMEHA III.  
KEKAULUOHI.

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## CHAPTER L.

### A RESOLVE IN RELATION TO THE APPOINTMENT OF A GOVERNMENT INTERPRETER AND RE- CORDER.

Whereas this Government in its connection with foreigners, is often embarrassed for want of acquaintance with the routine of business in other countries, it is therefore hereby recommended,

That this Majesty the King should appoint some foreigner as Recorder and Interpreter for the Government. His business shall be to superintend the arrangement of Government documents, and act as interpreter at all trials of foreigners before the supreme Judges. He shall also give information as to the manner of conducting business in foreign countries. He shall also be present as interpreter wherever His Majesty transacts any government business with any foreigner, and it shall be his duty to give information on the subject of that particular business as done in other countries.

It shall be his duty to attend on trials before the Governors, whenever directed by His Majesty, and in as much as there is often great embarrassment, from a misunderstanding of language, or from the real ignorance of the interpreter, it will therefore be particularly proper for foreigners who wish to speak to his Majesty on any business which requires his official action, to first call on the legally appointed interpreter.

This Resolve of the House of Nobles and House of Representatives, has received our signature, this twelfth day of May in the year of our Lord one thousand eight hundred and forty two at Lahaina, Maui.

(Signed) KAMEHAMEHA III.  
KEKAULUOHI.

## CHAPTER LI.

## QUARANTINE LAWS.

Whereas it has been clearly ascertained that the small Pox has prevailed on one or more ships now cruising in the Pacific Ocean, which may be expected to visit the Sandwich Islands, and whereas that disease is understood to prevail at the present time, in ports on the Western coast of America, frequently visited by Ships on their way to the Sandwich Islands, and whereas that disease is extensively prevalent in some of the Islands of this Ocean, therefore be it enacted by the Nobles and the Representative Body in council assembled.

## SECTION I.

## RESPECTING PILOTS.

1. That every Pilot shall ex officio, constitute one of the Board of health, for the ports where they reside.

And it shall be the duty of all Pilots at all Ports of the Islands when they see foreign vessels approaching, to go off immediately and lie at the windward side of the vessel but not board her until they have first presented the Captain with a Blank certificate as follows,

I.....Master of the ship..... of  
.....hereby most truly declare that the name of  
the port at which the vessel under my command last anchored or  
hove to was.....which port I left.....days  
ago. I did not hear that any contagious disease was at that time  
prevailing there or at any place near by. No man on board my  
ship has been seized by any contagious disease nor have I heard  
of any such disease on board of any vessel that I have spoken on  
my way to this place. No man has died or been sick of a con-  
tagious disease on board my vessel during the last six months  
from date hereof.

On Board ship.....

Master.

When the Captain has filled out the above blank, and subscrib-  
ed his name below, then the Pilot may board the vessel and she  
may anchor. The Pilot shall also deliver to the Captain a white  
flag which he shall keep flying at the Main for half an hour, at

which time the flag shall be returned. By the hoisting of such a flag it is clearly declared that the ship is free from contagion.

If any Pilot violate or disregard either of these requisitions, he shall be fined ten dollars for the first offense. If he be guilty a second time he shall be fined twenty dollars, and in this ratio shall the fine be increased for every successive offense committed.

2. If the Captain do not put his name to the Blank certificate mentioned above, then the Pilot shall deliver to him a black and yellow flag, two fourths black, and two fourths yellow. And the Captain shall hoist said flag at the Main. And the vessel shall not anchor until the port physician visit the ship, and he together with the Pilot shall direct where the ship shall anchor.

If any Pilot shall bring a ship to anchor in violation of this requisition, or knowing that there is just ground to suspect that there is contagion on board, then such Pilot shall be fined five hundred dollars.

3. If the Pilot or Port Physician board any ship and afterward discover that the ship is of a contagious character, or such a ship as is liable to quarantine, in that case the Pilot and Physician shall be quarantined; they shall remain on board the vessel and not return on shore, until such time as it shall be free for the Captain and officers also to come on shore.

Whatever Pilot or Physician violates this law shall be fined five hundred dollars.

## SECTION II.

### BOATS AND CANOES PROHIBITED FROM VISITING STRANGE VESSELS.

1. After the promulgation of this law, all canoes and boats and all persons not authorized by the Board of health, are prohibited from visiting any foreign ship whatsoever until she shall have been examined by a health officer or one of the Board of health according to the above requisitions, and the white flag has been hoisted, after which she may be visited.

Whoever shall visit a vessel in violation of this law shall be fined forty dollars, one half to be paid to the Government and the other half to the informant.

2. If any one is accidentally brought in contact with a contagious ship, or being on board discovers her to be so, or then ascertains that she is quarantined, in such case he shall remain on



board said ship, as is required above of the Pilot and Physician. Whoever violates this law shall be fined five hundred dollars. And if any one be discovered while in the act of violation, or while in the act of leaving a quarantined vessel, it shall be lawful to fire upon him or do whatever is necessary in the judgment of the Governor or superior officer.

### SECTION III.

#### OF SHIP MASTERS, AND OF FOREIGN SHIPS VISITING THE ISLANDS.

1. It shall be the duty of all ship masters to examine carefully the blank certificate handed them by the Pilot and to fill out said blank, and then put the name and date. And this shall be done under the same liabilities as if under oath. But if the Captain is unable to subscribe the certificate on account of its not stating the truth in relation to his vessel, it shall then be returned to the pilot. Whatever Captain refuses obedience to this law, or subscribes his name to a falsehood, shall be fined five hundred dollars.

2. If any Master of a vessel refuses obedience to the requisitions of the Health Officer, or anchors when forbidden, or does not hoist the flag required by the Pilot, or refuses obedience to any requisition of the Quarantine laws he shall be fined five hundred dollars.

And it shall be lawful for the Governor to fine, or do any thing which is necessary in his judgment, in order to the execution of the laws.

3. All vessels having had the small pox or any other contagious disease on board, unless six months have elapsed since all appearance of disease ceased, are hereby prohibited from anchoring at any port, harbor or Roadstead of the Hawaiian Islands until visited by a Health officer or one of the Board of Health and received his approbation, after which they may anchor.

If any master of a vessel violates this law, he shall be fined five hundred dollars.

4. The Pilot and Port Physician shall have power to quarantine all ships, as well vessels of war as others, provided they have come from ports supposed by the Board of Health to be infected, or dangerous, but after once put under quarantine they shall be under the direction of the full Board. And they may lengthen or shorten the time of Quarantine at their discretion.

5. If a vessel be put under quarantine, the Captain shall in the day time keep constantly flying at the main, a black and yellow flag, and in the night at the same mast two lights, one above the other. He shall not come on shore, nor shall he permit any person on board his ship to come, or to go on board of another ship; he shall permit no article to be taken from his ship, until such time as the Board of Health shall appoint. If any Captain violate this law, or if any Captain attempt to take his ship to a prohibited place, he shall be fined a thousand dollars, and it shall be proper for the Governor and those who have charge of the business to fine or take any other step which is necessary to force obedience to the requisitions of this section.

All the prohibitions which apply to coming on shore or bringing any articles on shore, apply also to boarding another vessel, or carrying any articles on board.

#### SECTION IV.

##### OF PASSENGERS AND OTHER PERSONS ON BOARD QUARANTINED SHIPS.

All restrictions which are laid on quarantined vessels which come to the Islands, are also applicable to all passengers and officers and people of said vessels. They are all under the laws of the Board of Health. If any one come on shore, or send any baggage or writing on shore, or go to any other vessel, he is guilty, and shall be fined in the same manner as the Captain would be, doing the same act. And whatsoever the Captain is prohibited from doing, all people on board his ship are prohibited from doing the same.

#### SECTION V.

##### PROHIBITIONS APPLICABLE TO ALL PERSONS.

This last edict is applicable to all that is said above. If any man does in reality violate any one of the above laws, and do it knowingly and with evil intent and with the design of transgressing the law; and in consequence of his doing thus a contagious disease is communicated on shore, whosoever does this is a Murderer and shall be hanged.

## SECTION VI.

## OF HEALTH OFFICERS.

For the purpose of carrying this law into execution, the Governors shall appoint five Health Officers for each harbor of the Hawaiian Islands. And they shall have the direction of vessels in accordance with the above laws. And they shall have power to establish laws over all the people in times of danger from sickness; and it shall be their duty to devise plans to prevent the introduction of contagious and other diseases. And the Governors shall also appoint Port Physicians who shall of course be members of the Board of Health. And the Port Physician shall visit every vessel that is suspected of contagion, or where the black and yellow flag is hoisted, or if the Pilot call for him. And he shall examine into the character of the suspected vessel, and shall proceed according to the requisitions of this law, and shall make known to the Board of health the result of his investigations.

His pay shall be five dollars for each ship, thus examined by him, to be paid by the Government.

By the enactment of this new law, the former quarantine law is repealed.

All the words of this law having received the sanction of the Nobles and Representatives, we have therefore subscribed our names to the same on this seventeenth day of May in the year of our Lord one thousand eight hundred and forty two, at Lahaina, Maui.

(Signed) KAMEHAMEHA III.  
KEKAULUOHI.

## CHAPTER LII.

## ADDITIONAL SCHOOL LAW.

In the estimation of the Nobles and of the Representative Body, schools for the instruction of children in letters are of vast importance. We are firmly determined to give protection to the schools, and also to teachers of good character, and also to treat with great severity all those who oppose Schools, or throw hindrances in the way of that business.

One great evil of the past year has been that the teachers have not been properly paid.

A portion of the balance belongs to the parents. It is important that parents should have so much sincere regard to the welfare of their children as to influence them to attend to instruction. For if they are unable to read, they can neither marry husbands nor wives, they can never act as land agents nor be employed in any office over others. The parents too must suffer inconvenience, for their lands cannot be increased, they cannot fish gratuitously nor take timber from the mountains without paying for it. It is therefore important that parents should consider this subject well, and stimulate their children to learn.

It is also the duty of Parents to aid in supporting the teacher in such manner as shall be mutually agreeable, and should do it generously lest the Government be burdened.

The land agents are also in fault for withholding land from the teachers. Hereafter, if the general school agent apply for land in accordance with the provision of the School Law, and the land agent refuses and actually withholds it, it is a crime for which he shall be dispossessed and his land given to another. So also if they pay no attention to the general School agents, as they travel round to regulate the Schools.

The Tax Officers are also sometimes in fault. If the general school agent call on him for government property as he is allowed to do by the school law and the Tax Officer refuses, he shall then pay his own property, because he has without cause withheld the property of the Government. The law shall be executed upon him. So also if he do not build the school house according to the direction of the general school agent.

Another evil is that the officers give certificates of marriage to those who cannot read. The officers should carefully examine the law and withhold certificates from all who are ignorant of reading.

Another evil is that the scholars in the schools are noisy. It is the duty of teachers to instruct the scholars in this particular, and to consult with the school committee on the measures to be pursued. The Government will always support the teachers and school committee, while they do well. For a school is of little value if the scholars are disorderly. There is but one right way, and that is for the scholars to kindly and faithfully regard the instructions of the teacher. If the scholars conduct improperly they must be punished as the law requires.

Furthermore, the school committee appointed in conformity to the law while they perform faithfully their duties, shall be

freed from going to the labor of the King and the Friday labor of the land agents. But if there is any national labor to be done, they shall work on the appropriate days of the people, but not on the days of the King nor of the land agents.

It is furthermore agreed that there shall be two general agents on Hawaii, the present year, and each shall receive thirty five dollars. The general agent of Maui shall receive thirty five dollars, and that of Molokai, twenty five, the one on Oahu shall receive thirty and the one on Kauai thirty five, to be paid in government property but not in Money.

These Resolves passed by the Nobles and Representatives, we hereby approve and have therefor subscribed our names this thirteenth day of May in the year of our Lord one thousand eight hundred and forty two at Lahaina, Maui.

(Signed) KAMEHAMEHA III.  
KEKAULUOHI.

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### CHAPTER LIII.

#### AMENDMENTS TO BE INSERTED IN LAW XXII, ON THE 123d PAGE.

1. If any person enter a complaint to a Judge of such a nature that it is necessary to attach property for debt, it shall then be the duty of the Judge to cause such property to be attached as he is acquainted with. But if the Plaintiff know of other property he may give notice to the Judge who will cause that property also to be attached. But if there be any subsequent difficulty in consequence of the attachment having been wrongfully made, the blame and loss shall be on the Plaintiff.

2. When one person institutes a suit against another before a Judge for debt, the Judge shall then issue a written summons to the defendant requiring him to appear, and for said summons the Judge shall receive one dollar, and the person who serves it shall receive twenty five cents. The Judge shall also receive two dollars for rendering and executing judgment. If property be attached and sold at auction the Judge shall receive six per cent on all the property thus sold. The witnesses shall also be paid according to the requisition of another law. (*See chapter XLVI.*) These rules of payment apply to the trial of minor offenses but not to jury trials. If the debtor have sufficient property, he must pay the costs. But if his property be not sufficient, then

the Plaintiff must pay. Though if the debtor has not been in fault, the Plaintiff shall pay the costs; and if they have been alike in fault, then the costs shall be equally divided between them.

According to the decision of the Nobles, and Representatives, we have given our assent that the above should be inserted in the former law, and we have herenunto subscribed our names on this 16th day of May 1842, at Lahaina, Maui.

(Signed) KANEHAMEHA III.  
KEKAULUOHI.

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## CHAPTER LIV.

### BURDENS OF THE LOWER CLASSES.

Previous to the enactment of the new code of laws on the subject of taxation, every man was required to pay a poll tax of one dollar annually.

At the present time, it is a dollar for one year and a half a dollar for the next.

Formerly, the tax of a common size farm was,

- 1 Fathom Swine.
- 40 Kapas.
- 40 Paus.
- 1 Dog.

80 Fathoms of fish line, and a fish-net 800 meshes in length. This was the Government tax.

Now the whole of this taxation is abolished except the fathom Swine, and even that is reduced to half its former size every other year.

Formerly, besides this Government tax, there was another tax laid by the local Governors, another by the higher landlords, and another still by their subordinates.

At the present time there is no assessment except for the Government tax. No other tax can be laid.

Formerly, if the Landlord became dissatisfied, he at once dispossessed his tenant even without cause, and then gave his land to whomsoever asked for it.

At the present time that practice is at an end; lands are held by a strong tenure; they cannot be seized without cause.

Formerly, a prohibition rested even on the ocean, so that men must not take fish from it.

At the present time the prohibition is removed, so that every man may take fish where he pleases with very few exceptions.

Formerly, there were distinct taxes on states, counties, towns, and districts. Now there are no such taxes, they are strictly prohibited.

Formerly, if the King wished for the property of any man, he took it without reward; even seized it by force, or took a portion only, just in accordance with his choice, and no man could refuse him. The same was true of every chief, and even the landlords treated their tenants thus.

At the present time such conduct is at an end. No chief whatever has power sufficient to do it now. Should one attempt it, he would instantly cease to be a chief on this archipelago.

Formerly, if a man had a number of children, they were a very heavy burden on account of their increasing the amount of his taxation.

At the present time children entirely free a man from Government work, also from the land tax, and poll tax.

Formerly, the chief, could call the people from one end of the Islands to the other to perform labor.

At the present time this is prohibited, and the people can be required to work only near by their home.

Formerly, if the King wished the people to work for him, they could not refuse. They must work from month to month. So also at the call of every chief and every landlord.

At the present time there is nothing of the kind. If any chief should attempt to pursue such a course, it would be a crime such as would free all his tenants from laboring for him at all until the time specified in the law.

Formerly, the people were regularly required to work every Tuesday and Friday, that is four days in a month for the King and four for the landlord, eight in the whole, and as many more as the chiefs chose.

At the present time the whole number is limited to six days in a month, leaving twenty laboring days for the people.

Formerly, if the people did not go to the work of the King when required, the punishment was that their houses were set on fire and consumed.

Now if they do not go, they must pay a rial, or at most a quarter of a dollar.

But still, the people are wailing on account of their present burdens.

Formerly, they were not called burdens. Never did the people complain of burdens till of late—till these dreadful weights mentioned above were removed. This complaint of the people however would have a much better grace, if they with energy improved their time, on their own free days, but lo! this is not the case.

They spend many of their days in idleness, and therefore their lands are grown over with weeds, and there is little food growing.

The chiefs of their own unsolicited kindness removed the grievous burdens mentioned above. The people did not first call for a removal of them. The chiefs removed them of their own accord. Therefore the saying of some of the people, that they are oppressed, is not correct. They are not oppressed, but are idle.

In view of these complaints of the people, and in view of their idleness on their own free days, the following new law is enacted.

1. If a farm be seen to be grown over with weeds and little food upon it, and yet a good farm for cultivation, in such a case, the tenant shall be dispossessed, though he shall not be dispossessed without a trial, nor at the mere suggestion of his landlord. The criminal person shall be dispossessed, whether it be the landlord or the tenant.

2. Furthermore, forbearance shall be exercised for one year more, and then if the idleness of the people continues, it shall be the duty of the tax-officer whenever he sees a man sitting idle, or doing nothing on the free days of the people, to take that man and set him at work for the Government and he shall work till night.

The landlords also may do the same with the tenants of their lands when they are idle. This law is passed on account of the idleness of the people on their own free days. While they are at work for themselves, they shall not be set to work for others.

These enactments having received the sanction of the Nobles and the Representative Body we have set our names to the same on this sixteenth day of May in the year of our Lord, one thousand eight hundred and forty two at Lahaina, Maui.

(Signed) KAMEHAMEHA III.  
KEKAULUOHI.



## CHAPTER LV.

BE IT KNOWN TO ALL WHOM IT MAY CONCERN  
THAT

The Council of the kingdom have come to a definite agreement to set apart all the Government property from one end of the Islands to the other for such Business of the Government, as shall be agreed upon, and for the payment of debts, in order that the debts of the Kingdom may be cancelled at once. They therefore nominated officers to receive and pay out monies according to specific directions.

We do therefore hereby constitute you, Doct. G. P. Judd, Timothy, Haalilio, and John Ii, a Treasury Board for the Kingdom, and charge you to receive the Poll Tax, the Poalua money, and all money paid instead of the swine tax, also all money paid for criminal offenses, the harbor dues, and duties, the land Rents, and all tax money, and every kind of property which can be made use of in paying Government debts.

We also hereby charge the Governors and all officers, to give you timely notice respecting such monies, and such property, and then you will at your discretion, leave it for awhile or take it into your hands immediately.

We furthermore charge you to execute this business promptly and faithfully, and in the month of April 1843, render in writing a full account of all your doings.

In testimony whereof we have subscribed our names at Lahaina, Maui, on this tenth day of May 1842.

(Signed) KAMEHAMEHA III.  
KEKAULUOHL.

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At this meeting of the chiefs the following persons were appointed officers of the Kingdom.

The Representative Body appointed Paki, Kanaina, Kaauwai and Kapena, Assistant Supreme Judges.

The King appointed Dr. G. P. Judd, Recorder and Translator for the Kingdom.

Two or three other acts were passed which are not here translated as they were more in the form of advice and instruction than law, and would be of no special interest to Foreigners.

# Law Creating the Board of Commissioners To Quiet Land Titles.

(PASSED DECEMBER 10, 1845).

(See Vol. I, Laws of Kamehameha III, p. 107.)

SECTION 1. His Majesty shall appoint, through the Minister of the Interior, and upon consultation with the Privy Council, five commissioners, one of whom shall be the Attorney-General of this Kingdom, to be a board for the investigation and final ascertainment or rejection of all claims of private individuals, whether natives or foreigners, to any landed property acquired anterior to the passage of this Act; the awards of which board, unless appealed from as hereinafter allowed, shall be binding upon the Minister of the Interior and upon the applicant.

SECTION 2. The said Commissioners shall, before acting, take and subscribe an oath to be administered to them by the Minister of the Interior, in the following form:

We and each of us do solemnly swear that we will carefully and impartially investigate all claims to lands submitted to us by private parties against the government of the Hawaiian Islands; and that we will equitably adjudge upon the title, tenure, duration and quantity thereof, according to the terms of article fourth of the seventh chapter of the first part of an act entitled "An act to organize the executive departments of the Hawaiian Islands," passed at Honolulu, — day of —, 18—.

Subscribed and sworn to, this — day of —, 18—.

Before me, —, —,

Minister of the Interior.

Which oath, having been sworn to, shall remain on file in the Interior Department.

SECTION 3. It shall be the duty of said Board of Commissioners to select one of their number as president. They shall have power to employ clerks and copyists for the purposes in this article defined; they shall appoint the time and place of their sessions; shall at pleasure adjourn their meetings, and when necessary, postpone the business pending before them.

SECTION 4. The president of said Board shall, at least once in

each month, from the date of their first convention, report their proceedings to the Minister of the Interior—the number of claims then pending before them—the number to that date confirmed or rejected, and the reasons for confirmation and rejection of any particular claim to land, with all the evidences adduced to and reduced before them.

SECTION 5. It shall be the special duty of said Board to advertise in the Polynesian newspaper, during the continuance of their sessions, the following public notice, viz:

To all claimants of land in the Hawaiian Islands—The undersigned have been appointed by His Majesty the king, a board of commissioners to investigate and confirm or reject all claims to land arising previously to the — day of —, 18—. Patents in fee simple, or leases for terms of years, will be issued to those entitled to the same, upon the report which we are authorized to make, by the testimony to be presented to us.

The board holds its stated meetings weekly at —, in Honolulu, island of Oahu, to hear the parties or their counsel, in defence of their claims; and is prepared, every day, to receive in writing, the claims and evidences of title which parties may have to offer, at the —, in Honolulu, between the hours of 9 o'clock A. M. and 3 o'clock P. M.

All persons are required to file with the board specifications of their claims to land, and to adduce the evidence upon which they claim title to any land in the Hawaiian Islands, before the expiration of two years from this date, or in default of so doing, they will after that time be forever barred of all right to recover the same, in the courts of justice.

Dated — day of —, 18—.

SECTION 6. The said Board shall be in existence for the quelling of land titles during two years from the first publication of the notice above required, and shall have power to subpoena and compel the attendance of witnesses by discretionary fine; in like manner when in session for the hearing of arguments, to punish for contempt; and they shall have power to administer oaths to witnesses, and to perpetuate testimony in any case depending before them, which, when so perpetuated, shall be valid evidence in any court of justice created by the Act to organize the judiciary.

SECTION 7. The decisions of said Board shall be in accordance with the principles established by the Civil Code of this Kingdom in regard to prescription, occupancy, fixtures, native usages in regard to landed tenures, water privileges and rights of piscary, the rights of women, the rights of absentees, tenancy and subtenancy—primogeniture and rights of adoption; which decisions being of a majority in number of said board, shall be only subject to appeal to the Supreme Court, as prescribed in

the Act to organize the judiciary, and when such appeal shall not have been taken, they shall be final.

SECTION 8. All claims to land, as against the Hawaiian Government, which are not presented to said Board within the time, at the place and in the manner prescribed in the notice required to be given in the fifth section of this article, shall be deemed to be invalid, and shall be forever barred in law, unless the claimant be absent from this Kingdom, and have no representative therein.

SECTION 9. The Minister of the Interior shall issue patents or leases to the claimants of land pursuant to the terms in which the said Board shall have confirmed their respective claims, upon being paid the fees of patenting or of leasing (as the case may be) prescribed in the third part of this Act, unless the party entitled to a lease shall prefer to compound with the said Minister as in the succeeding section allowed.

SECTION 10. The Minister of the Interior shall have power in concurrence with the Privy Council, and under the sanction of His Majesty, to issue to any lessee or tenant for life of lands so confirmed, being an Hawaiian subject, a patent in fee simple for the same, upon payment of a commutation to be agreed upon by His Majesty in Privy Council.

SECTION 11. The patents and leases issued in accordance with the award of said Commissioners, shall be recorded at the expense of the patentee or lessee, as prescribed in the third part of this Act, in a book to be kept for that purpose by the Minister of the Interior.

SECTION 12. The said Board shall not have power to entertain any claim to lands set up by any private person or persons until the claimant shall have deposited with the Minister of Finance a bond conditioned to defray the costs and expenses incident to the proposed investigation, according to the rates of charge prescribed in the third part of this Act; which costs and expenses shall, after award rendered, be taxed by the president of said Board, and a certificate thereof shall be given to the claimant, who shall exhibit the same to the Minister of Finance, whose certificate of full payment, together with the award of the Commissioners, shall authorize the delivery of the awarded patent or lease to such confirmed claimant, by the Minister of the Interior, and not without.

SECTION 13. The titles of all lands claimed of the Hawaiian Government anterior to the passage of this Act, upon being confirmed as aforesaid, in whole or in part, by the Board of Com-

missioners, shall be deemed to be forever settled, as awarded by said Board, unless appeal be taken to the Supreme Court, as already provided. And all claims rejected by said Board, unless appeal be taken as aforesaid, shall be deemed to be forever barred and foreclosed, from the expiration of the time allowed for such appeal.

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PRINCIPLES ADOPTED BY THE BOARD OF COMMISSIONERS TO QUIET LAND TITLES, IN THEIR ADJUDICATION OF CLAIMS PRESENTED TO THEM.

(See Vol. II, Laws of Kamehameha III, p. 81.)

When the Islands were conquered by Kamehameha I, he followed the example of his predecessors, and divided out the lands among his principal warrior chiefs, retaining, however, a portion in his hands, to be cultivated or managed by his own immediate servants or attendants. Each principal chief divided his lands anew, and gave them out to an inferior order of chiefs, or persons of rank, by whom they were subdivided again and again; after passing through the hands of four, five or six persons, from the King down to the lowest class of tenants. All these persons were considered to have rights in the lands, or the productions of them. The proportions of these rights were not very clearly defined, but were nevertheless universally acknowledged.

The tenures were in one sense feudal, but they were not military, for the claims of the superior on the inferior were mainly either for produce of the land or for labor, military service being rarely or never required of the lower orders. All persons possessing landed property, whether superior landlords, tenants or sub-tenants, owed and paid to the King not only a land tax, which he assessed at pleasure, but also, service which was called for at discretion, on all the grades, from the highest down. They also owed and paid some portion of the productions of the land, in addition to the yearly taxes. They owed obedience at all times. All these were rendered not only by natives, but also by foreigners who received lands from Kamehameha I and Kamehameha II, and by multitudes still alive; of this there are multitudes of living witnesses, and a failure to render any of these has always been considered a just cause for which to forfeit the lands.

It is therefore certain that the tenure was far from being allodial, either in principle or practice; but even if living testi-

mony were wanting at the present time, the treaty established in 1836, between this Government and Lord Edward Russell on behalf of the British Government, would show the views then entertained on the subject by the contracting parties. It is there declared, "The land on which the houses are built is the property of the King." The same rights which the King possessed over the superior landlords and all under them, the several grades of landlords possessed over their inferiors, so that there was a joint ownership of the land; the King really owning the allodium, and the person in whose hands he placed the land, holding it in trust. But when he put it in the hands of a third person, that third person bore a similar relation to him that he did to the King. The superior always had the power at pleasure to dispossess his inferior, but it was not considered just and right to do it without cause, and dispossession did not often take place, except on the decease of one of the landlords, when changes were often numerous, and the rights of heirs and tenants comparatively disregarded, for the purpose of favoring a new class of persons.

Such was the nature of the tenures, and such the titles by which the lands were held, when in 1839 protection was declared both for person and property, in the following words: "Protection is hereby secured to the persons of all the people; together with their lands, their building lots, and all their property." (See Declaration of Rights, p. 10 of translation.) In section 6 of the same Act, p. 33, the nature of the protection given to landed property is in some degree defined. It is there declared that the landlord cannot "causelessly dispossess his tenant," and it is also stated what shall be considered a sufficient cause. The same law confirms what has been already stated in relation to the rights of His Majesty the King in all lands. Section 3 requires that every tenant of land, by whomsoever owned, shall work 36 days in the year for the King or Government, showing clearly that there is no individual who has an allodial title to the soil, that title remaining with the King.

It seems natural then, and obviously just, that the King, in disposing of the allodium, should offer it first to the superior lord, that is, to the person who originally received the land in trust from the King; since by doing so, no injury is inflicted on any of the inferior lords or tenants, they being protected by law in their rights as before; and most obviously the King could not dispose of the allodium to any other person without infringing on the rights of the superior lord. But even when such lord shall have

received an allodial title from the King by purchase or otherwise, the rights of the tenants and sub-tenants must still remain unaffected, for no purchase, even from the Sovereign himself, can vitiate the rights of third parties. The lord, therefore, who purchases the allodium, can no more seize upon the rights of the tenants and dispossess them, than the King can now seize upon the rights of the lords, and dispossess them. This appears clear, not only from the first principles of justice, but also from the Act of 1839, declaring protection for tenants as well as for landlords. That Act particularly recognizes but three classes of persons as having rights in the sale, viz: the King or Government, the landlords and the tenants. Indeed, section 9, chapter 3, of that statute positively forbids the lord who receives land in trust from the King to place another lord under himself, over the tenants. If, then, any landlord violate this law, he only divides his own rights; he cannot thereby diminish the rights of the King or Government, nor the rights of the tenants.

It being therefore fully established, that there are but three classes of persons having vested rights in the lands—1st, the Government, 2nd, the landlord, and 3rd, the tenant, it next becomes necessary to ascertain the proportional rights of each. Happily, evidence on this point is not wanting, though it may be the most difficult one to settle satisfactorily of any connected with land claims. The testimony elicited is of the best and highest kind. It has been given immediately by a large number of persons, of a great variety of character, many of them old men, perfectly acquainted with the ancient usages of the country; some were landlords, and some were tenants. There has been no contradictory testimony, but all have agreed on all essential points. Several foreign landholders under Kamehameha I, Kamehameha II and Kamehameha III, have been full in their testimony as to the rights of the King. Ancient practice, according to testimony, seems to have awarded to the tenant less than justice and equity would demand, and to have given to the King more than the permanent good of his subjects would allow. If the King be disposed voluntarily to yield to the tenant a portion of what practice has given to himself, he most assuredly has a right to do it; and should the King allow to the landlord one third, to the tenant one third, and retain one third himself, he, according to the uniform opinion of the witnesses, would injure no one unless himself; and in giving this opinion, the witnesses uniformly gave it against their own interests. According to this principle, a tract of land now in the hands of a landlord and occupied by

tenants, if all parts of it were equally valuable, might be divided into the three equal parts, and an allodial title to one then be given to the lord, and the same title be given to the tenants of one third, and the other third would remain in the hands of the King, as his proportional right. It is altogether probable that since the Act of 1839, a few individuals may have acquired allodial ownership of landed property, either by purchase or by voluntary grant on the part of the King. Such ownership must be proved, or it cannot be acknowledged; for the King, representing the Government, having formerly been the sole owner of all the soil, he must be considered to be so still, unless proof be rendered to the contrary; and even possession of ever so long standing cannot be proof, any thing more than that which is specified above as belonging to the landlord, or to the landlord and tenant, as the case may be.

All the above principles and remarks apply most particularly and clearly to districts, plantations and farms, and to their owners. But between the ownership of lands for cultivation, and mere building lots, there are often broad lines of distinction. Mere building lots were never bestowed by the King or lords for the purpose of being given out to tenants, as was uniformly the case with lands suitable for cultivation. It follows, therefore, that (with some exceptions, which in all cases must be proved) in relation to building lots, there is no third class of persons having the rights of lords over tenants. The exceptions would be in those cases where individuals having received building lots from the King for their own particular use, those individuals have themselves for some considerations, expressed or implied, transferred such lots to third parties. Another exception exists in relation to building lots, especially if large, which were formerly within the defined boundaries of plantations and farms, and have since been occupied by persons owning no rights in the farms other than the building lots. Such lots must still be considered a part of the plantation or farm, in such a sense that the tenant must pay rent to the lord. This appears clear, not only from ancient usage, but also from the last clause of section 7, of chapter 3, old laws: "But possessions of house lots that are large like farm gardens, must aid the owners of the farms from which they are taken in payment of the yearly tax."

Although the above facts and principles are most perfectly clear and unquestionable, yet great evils have existed down to the present moment, owing mainly to the circumstance that several different classes of persons had undivided rights in the same



land, and each class was very liable to claim more than the due proportions. In such cases, lords, or persons of superior power or rank, have generally been the oppressors, and perhaps there are none of those classes, from the Throne down, who have not sometimes taken advantage of the powerless in this respect. Neither the laws of 1839 nor of 1840 were found adequate to protect the inferior lord and tenants, for although the violators of law, of every rank, were liable to its penalty, yet it was so contrary to ancient usage, to execute the law on the powerful for the protection of the weak, that the latter often suffered, and it was found necessary to adopt a new system for ascertaining rights, and new measures for protecting those rights when ascertained, and to accomplish this object the Land Commission was formed.

The decisions of an executive board would be so far surrenders of the Chief Executive Magistrate, who has approved the powers conferred upon that board, as to be an authorization from him to adjust all the past tenures in the manner most equitable, and if abstractly just, power to alienate for him any rights, which he as King could surrender in regard to these lands. The whole power of the King to confer and convey lands to which private equitable claim now attaches, is reposed in the Commission. What is the nature and extent of that power which the King has bestowed upon this board? It can be no other than his private or feudatory right as an individual participant in the ownership, not his sovereign prerogatives as head of the nation. Among these prerogatives which affect lands, are the following:

1st. To punish for high treason by forfeiture, if so the law decrees.

2nd. To levy taxes upon every tax yielding basis, and among others lands, if so the law decrees.

3d. To encourage and even enforce the usufruct of lands for the common good.

4th. To provide public thoroughfares and easements, by means of roads, bridges, streets, &c., for the common good.

5th. To resume certain lands upon just compensation assessed, if for any cause the public good or the social safety requires it.

These prerogatives, powers and duties, His Majesty ought not, and *ergo*, he cannot, surrender. Hence the following confirmations of the board, and the titles consequent upon them, must be understood subject to these conditions.

But the King's private or feudatory rights, understood by the natives, differ greatly from the above enumerated corporate

rights, understood in civilized and refined nations, and in which the commonwealth is rather represented by the person of the monarch than the monarch himself. By the ancient usage, the taxes went not to the body corporate, in trust for political uses, but to the King, as his private income or revenue, and this gave him a private proprietorship in all lands. This autocracy was, however, diminished by the King's liberal and voluntary surrender to his people in the Constitution, 8th October, 1840, in which the Government or body politic and the King are for the first time contradistinguished as follows: "He (the King) also shall have the direction of the Government property, the poll tax, the land tax, the three days monthly labor, though in conformity to the laws. He also shall retain his own private lands, and lands forfeited for the non-payment of taxes shall revert to him," in which clause is perceivable the line of distinction above adverted to. All that is essential to the common good in regard to lands, taxes on lands, and revenue from lands, is reposed in the King, as the head of a corporation aggregate; or in himself as a corporation sole, and from these is contradistinguished his own private lands.

In the spirit of this constitutional distinction, on the 7th of June, 1839, the Nobles, with the sanction of the King, passed some ordinances or rules "respecting applications for farms, forsaking of farms, disposing of farms, and the management of farms," having in view the encouragement of industry. In these the landlords are recognized as a distinct and *independent class* of local proprietors over such portions of their lands as are actually in cultivation, subject to the claims of their tenantry; and as to those lands not in actual use, it gives a community of ownership between the Government and landlords, by saying, "Those men who have no land, not even a garden, nor any place to cultivate, and yet wish to labor for the purpose of obtaining the object of their desires, may apply to the land agent, or the Governor, or the King, for any piece of land which is not already cultivated by another person, and such piece shall be given him."

This appropriation was to be with co-operation of the King and the landlords. In like manner the corporate right is recognized in what the same law declares respecting the "residual lands," and "respecting landlords."

Yet the principle of suzerainship seems to have followed the King in those lands which are otherwise declared to be the proper possession of the landlords: for the "advice to the Governors and landlords" commences with, "It shall be the duty of

those to whom the King gives lands to see that they do not establish other landlords under themselves, over the people;" and in the 18th section, landlords are cautioned lest they "be dispossessed, according to the principles of the eleventh section," which makes the landlords' right of possession dependent upon industry and intelligence.

It would thus seem inferable, that as late as the 7th of June, 1839, and before the Constitution was given, the chiefs considered themselves tenants at special will of the King as the head of the nation, or in his corporate right. Also that that corporate right to dispossess them was only to be exercised for causes of a public nature, inconsistent with the public well being. To suppose that the landlords could be lawfully dispossessed by the King at will, for causes of private pique, or because of personal disfavor, would be to make the King the real or intrinsic owner of the land in his individual capacity, a doctrine neither sustained by the current of past legislation, nor the testimony which has already been elicited by the board. But to recognize his right of forfeiting the lands of the landlords for misuser or non-user, or for crime, is itself a recognition beneficial to the mass of the people, for whose happiness the corporation is instituted.

The Hawaiian rulers have learned by experience, that regard must be had to the immutable law of property, in things real, as lands, and in things personal, as chattels; that the well being of their country must essentially depend upon the proper development of their internal resources, of which land is the principal; and that in order to its proper cultivation and improvement, the holder must have some stake in it more solid than the bare permission to evolve his daily bread from an article, to which he and his children can lay no intrinsic claim. They perceive by contact with foreign nations, that such is their uniform practice, and that the rules of right under that practice are contended for, understood and likely to be applied, in regard to the lands otherwise held at their hands by a tenancy incomprehensible to the foreigner. They are desirous to conform themselves in the main to such a civilized state of things, now that they have come to be a nation in the understanding of older and more enlightened Governments.

Such we, the Commissioners, understand to have been the reason of the distinction in the Constitution of 1840, between Government lands and private lands of the King, and such we now understand to be the spirit of article 4th, chapter 7th, of the first part of the Act to organize the executive departments of the

Hawaiian Islands, founded upon the Law Report of May 21, 1845, in which it was recommended to prepare His Majesty's Government to consort in some measure with the recognizing powers. In consequence, it was enacted that the King is to appoint five Commissioners for quieting land titles, and thus confer upon them all his private and public power over the corporate property in lands claimed by private parties, which in the nature of things he can delegate.

The requisition to appoint such a board is found in the fourth article of the 7th chapter of the first part of an Act of the Legislature, passed on the 10th of December, 1845, which took effect on the 7th of February following. The statute of which said article is a part, is as a whole denominated "An Act to Organize the Executive Departments," indicating that the decisions of the board are not purely judicial, but executive adjudications. The Act as a whole in five parts, passed its final reading and received the approbation of His Majesty, on the 27th of April, 1846, and was promulgated on the 20th June following.

The Board of Commissioners, thus instituted, was organized in strict conformity with the law, which, having taken effect on Saturday, the 7th of February, the Minister of the Interior, on Monday, the 9th, in Privy Council, with the approbation of His Majesty, appointed and commissioned the undersigned, who at the same time, in the presence of the King and Council, took and subscribed the following oath of office:

"We, and each of us, do solemnly swear, that we will carefully and impartially investigate all claims to land submitted to us by private parties against the Government of the Hawaiian Islands; and that we will equitably adjudge upon the title, tenure, duration and quantity thereof, according to the terms of article 4th, of the 7th chapter of the first part of an Act entitled 'An Act to Organize the Executive Departments of the Hawaiian Islands,' passed at Honolulu, the 10th day of December, 1845.

" (Signed)

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WILLIAM RICHARDS,  
JOHN RICORD,  
J. Y. KANEHOA,  
JOHN II,  
Z. KAAUWAI.

"Subscribed and sworn to this 9th day of February, 1846,  
before me.

JOHN YOUNG,  
Minister of the Interior.

On the 11th of February, the day following their appointment, the Commissioners organized as follows:

“NOTICE.

“At a meeting of the Board of Commissioners appointed to quiet land titles, having in view the proper organization required and allowed by article 4th of chapter 7th of the first part of an Act entitled ‘An Act to Organize the Executive Departments of the Hawaiian Islands.’

“The members of said board having convened, it was

“*Resolved*, 1st. That William Richards, Esq., be, and he is, hereby chosen President.

“2d. That Joseph Henry Smith, Esq., be employed as one of our stated secretaries, at a compensation to be hereafter determined, derivable solely from the fees and perquisites resulting to the Government from the labors of the Board.

“3d. That said secretary be duly sworn to fidelity in the discharge of his duties as such. That he be, and is, hereby authorized to receive claims and evidences for our after consideration, from and after the first publication hereof. That he be required to endorse upon each claim the day and hour of its receipt by him. That he keep an office in Hale Kauwila, in Honolulu, for the transaction of his duties, and for the facility of claimants. And that he be charged with keeping the minutes of this board, and of its proceedings upon claims.

“4th. That claims submitted for settlement be taken up and acted upon according to the order of their presentation, and be settled according to order taken in each case by a majority in number of the board.

“5th. That the stated meetings of this board be held on Wednesday of each week, commencing at 9 o’clock, A. M., at the said office at Hale Kauwila, in Honolulu, for the transaction of business. The first meeting to be held on the 4th day of March next.

“6th. That these resolutions be published in the Polynesian newspaper, concurrently with the notice to claimants required by law, to the end that they may be apprised of these by-laws established by the board.

“Done at Honolulu, this 11th day of February, A. D., 1846.

“ (Signed)

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WILLIAM RICHARDS,  
JOHN RICORD,  
J. Y. KANEHOA,  
JOHN II,  
Z. KAAUWAI.”

Which resolutions were published in the *Polynesian* of the 14th February, 1846, together with the following notice, required by law:

**"TO ALL CLAIMANTS OF LANDS IN THE HAWAIIAN ISLANDS.**

"The undersigned have been appointed by His Majesty the King, a Board of Commissioners to investigate and confirm or reject all claims to land arising previously to the 10th day of December, A. D. 1845.

"Patents in fee simple, or leases for terms of years, will be issued to those entitled to the same, upon the report which we are authorized to make by the testimony to be presented to us.

"The Board holds its stated meetings weekly, at the Hale Kauwila, in Honolulu, on the Island of Oahu, to hear the parties or their counsel in defense of their claims, and is prepared every day to receive in writing the claims and evidences of title which parties may have to offer, at the office of Joseph Henry Smith, Esq., Secretary of said board, at Hale Kauwila, in Honolulu, between the hours of 9 A. M. and 3 P. M.

"All persons are required to file with the Board by depositing with its Secretary specifications of their claims to land, and to adduce the evidence upon which they claim title to any land in the Hawaiian Islands, before the expiration of two years from this date; or in default of so doing, they will after that time be forever barred of all right to recover the same in the courts of justice.

"Dated 11th day of February, 1846.

" (Signed)	WILLIAM RICHARDS,
"	JOHN RICORD,
"	J. Y. KANEHOA,
"	JOHN II,
"	Z. KAAUWAI."

1st. The field of the Commissioners is "the investigation and final ascertainment or rejection of all claims of private individuals, whether natives or foreigners, to any landed property acquired anterior to the passage of the Act" of which Article 4th is an integral portion, to wit, 27th April, 1846.

2nd. The more minute powers of the Board for organization, and to carry out these objects, are specified and conferred; as the power to meet and adjourn, to appoint clerks, to summon parties and enforce mandates, to administer oaths, and to issue

commissions for taking testimony. These are auxiliary to the powers and objects of the Board respecting land titles, which it is created to confirm or reject definitely.

3d. The principles by which the Board are to be governed in deciding certain questions, (i. e.) "Prescription occupancy, fixtures, native usages in regard to landed tenures, water privileges and rights of piscary, the rights of women, the rights of absentees, tenancy and sub-tenancy, primogeniture, and rights of adoption," are to be those "Established by the civil code of the kingdom," which the general provisions of the Act to organize the Executive Departments, section 3d, defines as follows:—"Until the passage of the civil code, the principles of the foregoing Act, and the prescriptions of all the civil statutes now existing, not at conflict therewith, shall serve and be binding as a civil code for this kingdom, of which the courts of justice shall take notice, in administering the rights to which they are applicable."

A wide latitude is thus left to the Commissioners, who must, in passing upon the merits of each claim, first elicit from creditable witnesses, the facts or history of each; and thus assort or reconcile those facts to the provisions of the civil code, whenever there is a principle in past legislation applicable to the point under consideration; but when no such principle exists, they may judicially declare one, in accordance with ancient usage and not at conflict with any existing law, nor at variance with the facts, and altogether equitable and liberal.

4th. From the fact that His Majesty, the intrinsic proprietor, has reposed in this Board, such power of confirming or rejecting, the Commissioners must infer that he intended the utmost liberality to prevail towards the claimants, rather against the pecuniary interests of the body politic than against those of the claimants. But,

5th. The Commissioners do not understand that in virtue of such latitude, they are at liberty to disregard certain restrictions contained in the same Act, by the 4th Article of the 7th chapter of the first part of which they are created. For the same Legislature by whose authority they exist, has elsewhere limited them as follows:

1st. Aliens are not allowed to acquire any allodial or fee-simple estate in lands.

2d. No leasehold estate shall be considered validly acquired by any alien "until he shall have obtained a certificate of nationality, as in this" the first article of chapter 5th required.

6th. The Commissioners are only authorized by the Act to ascertain the claimant's kind and amount of title, and to award for or against that title, "wholly or in part." They are not authorized to grant leases or patents, or to receive the commutation allowed by section 10th. Yet since the government share in the land confirmed has intimate connexion with the amount of the claimant's title, the Commissioners must ascertain and report upon that share, for the guidance and information of the Minister of the Interior.

7th. Connected with each claim for land, is its configuration and superficial contents, without the ascertainment and demarkation of which, it were impossible to make an award, or to quiet the title as between neighboring proprietors. The Board is therefore under the necessity of causing each piece of land to be surveyed at the claimant's expense, before awarding upon it. This is clearly contemplated by the 12th section of the law, among the "expenses incidental to the proposed investigation."

The following benefits will result from these investigations and awards:

1st. They will separate the rights of the King and Government, hitherto blended, and leave the owner, whether in fee, or for life, or for years, to the free agency and independent proprietorship of his lands as confirmed. So long as the King or Government continue to have an undivided proprietary share in the domain, the King's and Premier's consent is necessary, by the old law, to real sales, or transfers from party to party, and, by parity of reasoning, to real mortgages also. This is because of the share which Government or the body politic has in the lands of the kingdom uniformly. To separate these rights, and disembarass the owner or temporary possessor from this clog upon his free agency, is beneficial to that proprietor in the highest degree, and also to the body politic; for it not only sets apart definitely what belongs to the claimant, but, untying his hands, enables him to use his property more freely, by mortgaging it for commercial objects, and by building upon it, with the definite prospect that it will descend to his heirs. This will tend more rapidly to an export, and to a permanency of commercial relations, without which there can never be such a revenue as to enable the Government to foster its internal improvements.

2nd. The patents or leases given to claimants, are for certain fixed and ascertained extents or dimensions of land. This must prevent after litigation in regard to boundaries. All parties having been cited before awarding, there can be no counter



claims to the same piece of land after award, except on appeal, and such appeal cannot be taken, except by a party who has presented his claims to the Board.

The patents and leases are recorded in duplicate, in the department of the Interior. This will enable the foundation of every one's right to be known to the Government, and inquiring parties. No pretended ownerships can exist without the means of undeceiving the public in regard to them. Subsequent purchasers and mortgagees need not be in ignorance of prior defects in the title, or of prior incumbrances.

The undersigned deem the foregoing prefatory remarks and explanations necessary to a clear understanding of the awards upon which they are about to enter, and indispensable to which awards, it is necessary to lay down the following general principles, to which they have arrived by critical study of the civil code, and careful examination of numerous witnesses; among whom are some of the oldest chiefs, possessing large tracts of land, which, equally with other lands, come under the adjudication of the Board, and under the principles here laid down.

The chiefs so situated, cannot have a personal interest in testifying to the facts leading to these principles, since they thereby clog their own rights, and become liable to pay the commutation to which the King and Government are entitled. Native proprietors and foreign residents are thus put upon the same footing in regard to their titles, in consistency with Article 2nd of the treaties concluded with Great Britain and France, 26th March, 1846.

1st. For the purposes of this Board in all cases where the land has been obtained from the King or his authorized agent without a written voucher, anterior to the 7th of June, 1839, the Board will inquire simply into the history of the derivation; and if the land claimed has been continuously occupied, built upon, or otherwise improved since that time, without molestation, the Board will, in case no contests exist between private claimants, infer a freehold less than allodial.

2d. In all such cases as above specified, when there are counter claims to the same piece of land, the Board will confine their inquiry to which of the claimants has the freehold, less than allodial.

3d. In all cases where the land has been obtained from the King or his authorized agent, or from any governor, chief or pretended proprietor, subsequently to the 7th of June, 1839, the Board will strictly inquire into the right of the King, or

chief, or landlord, to make such disposition of the land; and will confirm or reject, according to the right of such donor, grantor, or lessor, regardless of consideration, occupancy or after improvements.

4th. In all cases where the land has been legally and validly obtained from the lawful proprietor, by written grant, deed, or lease, the Board will construe the claimant's rights by the wording of the instrument.

5th. When rights were originally acquired either in writing or verbally, in a lawful manner, and from the *bona fide* owner, for a valid consideration or otherwise, and yet were never occupied, or have not been occupied by such claimant since the 7th of June, 1839, the Board will infer an absence of title. Especially in view of section 6, chapter 3, old law.

6th. The share of Government, or the body politic, to be commuted for with the Minister of the Interior, by any confirmed claimant wishing to obtain a fee simple title under chapter 7 of part first of the Act to Organize the Executive Departments, this Board understand, from the evidence adduced before them, to be one third part of the value of the land, without improvements, which third part of unimproved value, being paid by the confirmed claimant, should extinguish the private rights of the King in the land, and leave such claimant an allodium, subject only to the corporate rights of the body politic, to be exerted by the King under authorization of the laws, and through the agency of his officers created by the laws. The Board, in asserting this principle, do not mean, however, to restrict the power of His Majesty in Privy Council, to fix upon a less commutation, under section 10th of the article creating this Board, and subject to the private rights of tenants, if there be any on the land; for the King has no power to convey away the rights of individuals without their consent. They deem it their duty to state the maximum value of the interest retained in all lands of the kingdom at this date, which was never relinquished, and which the Government to this day has never received any valuable consideration for, even from the private chiefs from whom the claimants derive. Claimants cannot derive more than the original proprietor had, neither could the original proprietors grant more than they had to the present claimants. They had a possessory right under the crown, equal to two thirds undivided of the value of the land, provided there were no tenants; and in consideration of the undivided third of the King, they paid an annual rent, in produce of the soil, and in service. The foreign

claimants, deriving from these, have not, in all cases, paid the rent which was due from their grantors, and have lost sight of the corporate rights in their lands, pertaining originally to the government. That rent can be sold by the Minister of the Interior, for not exceeding one third of the unimproved value of the land as aforesaid, which would divest the land so commuted for of all interference, save that of the community, for the causes and in the way aforesaid.

7th. The titles of all lands, whether rightfully or wrongfully claimed, either by natives or foreigners, in the entire kingdom, which shall not have been presented to this Board for adjudication, confirmation or rejection, on or before the 14th day of February, 1848, are declared to belong to this government, by section 8th of the article creating this Board. Parties who thus neglect to present their claims, do so in defiance of the law, and cannot complain of the effect of their own disobedience.

Upon these principles, the undersigned proceed to take up the claims now before them in the order of their presentation.

(Signed)

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WILLIAM RICHARDS,

JOHN RICORD,

J. Y. KANEHOA,

JOHN II,

Z. KAAUWAI.

Hale Kauwila, August 20, 1846.

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#### RESOLUTION OF THE LEGISLATIVE COUNCIL.

The principles adopted by the Board of Commissioners to quiet Land Titles, under date of August 20th, 1846, having been read before the Nobles and Representatives of the people, in Legislative Council assembled, and having been carefully considered, it was,

*Resolved*, That the same are hereby approved; and it is enacted, that from the date hereof, all claims for landed property in this kingdom shall be tested by those principles, and according to them be confirmed or rejected. KAMEHAMEHA.

KEONI ANA.

Council House, Honolulu, Oct. 26, 1846.

# CONSTITUTION.

GRANTED BY HIS MAJESTY KAMEHAMEHA III.,  
KING OF THE HAWAIIAN ISLANDS, BY AND  
WITH THE ADVICE AND CONSENT OF THE  
NOBLES AND REPRESENTATIVES OF THE  
PEOPLE IN LEGISLATIVE COUNCIL ASSEMBLED, JUNE 14th, 1852.

## DECLARATION OF RIGHTS.

ART. 1. God hath created all men free and equal, and endowed them with certain inalienable rights; among which are life and liberty, the right of acquiring, possessing and protecting property, and of pursuing and obtaining safety and happiness.

ART. 2. All men are free to worship God according to the dictates of their own consciences; but this sacred privilege hereby secured, shall not be so construed as to justify acts of licentiousness or practices inconsistent with the peace or safety of this Kingdom.

ART. 3. All men may freely speak, write and publish their sentiments on all subjects, being responsible for the abuse of that right; and no law shall be passed to restrain or abridge the liberty of speech, or of the press.

ART. 4. All men shall have the right, in an orderly and peaceable manner to assemble, without arms, to consult upon the common good; give instructions to their Representatives; and to petition the King or the Legislature for a redress of grievances.

ART. 5. The privilege of the writ of Habeas Corpus belongs to all men, and shall not be suspended, unless by the King, when, in cases of rebellion or invasion, the public safety shall require its suspension.

ART. 6. The right of trial by jury, in all cases in which it has been heretofore used in this Kingdom, shall remain inviolate forever.

ART. 7. No person shall be subject to punishment for any offense, except on due and legal conviction thereof, in a court having jurisdiction of the case.

ART. 8. No person shall be held to answer for any crime or offense (except in cases of impeachment, or for offenses within the jurisdiction of a police or district justice, or in summary

proceedings for contempt,) unless upon indictment, fully and plainly describing such crime or offense; and in the trial of any person on the charge of any crime or offense, he shall have the right to meet the witnesses who are produced against him, face to face, to produce witnesses and proofs in his own favor; and by himself, or his counsel, at his election, to examine the witnesses produced by himself, and cross-examine those produced against him; and to be fully heard in his defense.

ART. 9. No person shall be required to answer again for an offense, for which he has been duly convicted, or of which he has been duly acquitted upon a good and sufficient indictment.

ART. 10. No person shall be compelled, in any criminal case to be a witness against himself; nor be deprived of life, liberty, or property, without due process of law.

ART. 11. No person shall sit as judge or juror, in any case in which his relative is interested, either as plaintiff, or defendant, or in the issue of which the said judge or juror may have, either directly or through a relative, any pecuniary interest.

ART. 12. Slavery shall, under no circumstances whatever, be tolerated in the Hawaiian Islands: whenever a slave shall enter Hawaiian territory he shall be free; no person who imports a slave, or slaves, into the King's dominions shall ever enjoy any civil or political rights in this realm; but involuntary servitude for the punishment of crime is allowable according to law.

ART. 13. Every person has the right to be secure from all unreasonable searches and seizures of his person, his houses, his papers, and effects; and no warrants shall issue, but on probable cause, supported by oath or affirmation, and describing the place to be searched, and the person or things to be seized.

ART. 14. The King conducts His Government for the common good; for the protection, safety, prosperity and happiness of His people; and not for the profit, honor, or private interest of any one man, family or class of men among His subjects. Therefore in making laws for the nation, regard shall be had to the protection, interest and welfare not only of the King, the Chiefs, and rulers, but of all the people alike.

ART. 15. Each member of society has a right to be protected by it in the enjoyment of his life, liberty and property, according to standing laws. He is obliged, consequently, to contribute his proportional share to the expense of this protection; to give his personal services, or an equivalent, when necessary; but no part of the property of any individual, can, with justice, be

taken from him or applied to public uses without his own consent, or that of the King, the Nobles, and the Representatives of the people. And whenever the public exigencies require that the property of any individual should be appropriated to public uses, he shall receive a reasonable compensation therefor.

ART. 16. No subsidy, impost, duties or tax of any description, shall be established or levied, nor any money drawn from the public treasury under any pretext whatsoever, without the consent of both branches of the Legislature; provided that the Legislature shall make provision, in the annual bills of appropriation, for the emergency of war, invasion, or rebellion; and the Minister of Finance shall render a detailed account to the Legislature of any expenditure made under that provision.

ART. 17. All retrospective laws are unjust; therefore, no such laws shall ever be passed.

ART. 18. The Military shall always be subject to the laws of the land, and no soldier shall, in time of peace, be quartered in any house, without the consent of the owner; nor in time of war, but in a manner to be prescribed by the Legislature.

ART. 19. All elections by the people shall be by ballot.

ART. 20. Every elector shall be privileged from arrest on election days, during his attendance at election, and in going to and returning therefrom, except in cases of treason, felony, or breach of the peace.

ART. 21. No elector shall be so obliged to perform military duty, on the day of election, as to prevent his voting, except in time of war or public danger.

## FORM OF GOVERNMENT.

ART. 22. The Government of the Kingdom is that of a Constitutional Monarchy, under His Majesty Kamehameha III. His Heirs, and successors.

## OF POWERS.

ART. 23. The Supreme power of the Kingdom, in its exercise, is divided into the Executive, Legislative and Judicial; these are to be preserved distinct; the two last powers cannot be united in any one individual or body.

## OF THE EXECUTIVE POWER.

### SECTION 1. THE KING. HIS PREROGATIVES.

ART. 24. The King shall continue to be the supreme Ex-

ecutive Magistrate of this Kingdom under the title of His Majesty.

ART. 25. The crown is hereby permanently confirmed to His Majesty Kamehameha III. during his life, and to his successors. The successor shall be the person whom the King and the House of Nobles shall appoint and publicly proclaim as such, during the King's life; but should there be no such appointment and proclamation, then the successor shall be chosen by the House of Nobles and the House of Representatives in joint ballot.

ART. 26. No person shall ever sit upon the throne who has been convicted of any infamous crime, or who is insane or an idiot. No person shall ever succeed to the crown, unless he be a descendant of the aboriginal stock of Aliis.

ART. 27. The King is Commander in Chief of the Army and Navy, and of all other Military forces of the Kingdom by sea and land; and has full power by himself, or by any officer or officers, he may appoint, to train and govern such forces, as he may judge best for the defense and safety of the Kingdom. But he shall never proclaim war without the consent of His Privy Council.

ART. 28. The King, by and with the advice of His Privy Council, has the power to grant reprieves and pardons, after conviction, for all offenses, except in cases of impeachment.

ART. 29. The King, by and with the advice of His Privy Council, convenes both Houses of the Legislature at the seat of Government, or at a different place, if that should become dangerous, from an enemy, or any dangerous disorder; and in case of disagreement between the two Houses, or between His Majesty and them, He adjourns, prorogues, or dissolves them, but not beyond the session of the next year; under any great emergency, He may convene both, or either of them to extraordinary sessions.

ART. 30. The King has the power, by and with the advice of His Privy Council, to make treaties, and appoint Ambassadors, other public Ministers and Consuls who shall be commissioned, accredited and instructed agreeably to the usage and laws of nations.

ART. 31. It is His prerogative to receive and acknowledge ambassadors and other public ministers: to inform the Legislature by Royal Message, from time to time, of the state of the Kingdom, and to recommend to their consideration such measures as he shall judge necessary and expedient.

ART. 32. He has the power, by and with the advice of His Cabinet, and the approval of His Privy Council, to appoint and remove at His pleasure any of the several heads of the Executive Departments, and he may require information in writing from any of the officers in the Executive Departments, upon any subject relating to the duties of their respective offices.

ART. 33. It is his duty to see that the Treaties and Laws of the land are faithfully observed and executed.

ART. 34. The King has the power from time to time, to assemble His Cabinet or Privy Councillors to advice with him agreeably with the Constitution and Laws of the land.

ART. 35. The person of the King is inviolable and sacred; His Ministers are responsible; to the King belongs the Executive power; all laws that have passed both Houses of the Legislature, for their validity, shall be signed by His Majesty and the Kuhina Nui; all his other official acts shall be approved by the Privy Council, countersigned by the Kuhina Nui, and by the Minister to whose Department such act may belong.

ART. 36. The King is Sovereign of all the Chiefs and of all of the People; the Kingdom is His.

ART. 37. All titles of honor, orders, and other distinctions emanate from the King.

ART. 38. The King coins money and regulates the currency by law.

ART. 39. The King, by and with the approval of His Cabinet and Privy Council, in case of invasion or rebellion, can place the whole Kingdom, or any part of it under martial law; and he can ever alienate it, if indispensable to free it from the insult and oppression of any foreign power.

ART. 40. The King's Standard and the National Ensign are maintained as now established.

ART. 41. The King's private lands and other property are inviolable.

ART. 42. The King cannot be sued or held to account in any court or tribunal of the Realm.

## SECTION II.

### OF THE KUHINA NUI.

ART. 43. The King appoints some chief of rank and ability to be his Kuhina Nui, who shall be styled the Kuhina Nui of the Hawaiian Islands, and whose title shall be Highness.



ART. 44. The Kuhina Nui shall be the King's special Counsellor in the great affairs of the Kingdom. All business connected with the special interests of the Kingdom, which the King wishes to transact, shall be done by the Kuhina Nui under the authority of the King. All Acts, Royal Patents, Commissions, and other official documents, duly executed by the Kuhina Nui in the name and by the consent of the King, agreeably with article 35, unless specially excepted by law, shall be equally binding as if executed by the King himself.

ART. 45. All important business of the Kingdom which the King chooses to transact in person, he may do, but not without the approbation of the Kuhina Nui. The King and Kuhina Nui shall have a negative on each other's public acts.

ART. 46. The Kuhina Nui shall have charge of the Great Seal of the Kingdom, of the Royal Standard, and of the National Flag; and in the absence of the King, he shall preside over the deliberations of the Privy Council.

ART. 47. Whenever the throne shall become vacant by reason of the King's death, or otherwise, and during the minority of any heir to the throne, the Kuhina Nui, for the time being, shall, during such vacancy or minority, perform all the duties incumbent on the King, and shall have and exercise all the powers, which by this Constitution are vested in the King.

ART. 48. Whenever during the vacancy of the throne, or the minority of any heir to it, the office of Kuhina Nui shall become vacant by death, resignation, or otherwise, then the Privy Council, or the major part of them, shall, during such vacancy, have full power and authority to do, and execute all and every such acts, matters, and things, as the King or Kuhina Nui might or could, by virtue of this Constitution, do or execute. And in such case, the Privy Council, immediately after the occurring of such vacancy, shall cause a meeting of both Houses of the Legislature, who shall elect by joint ballot a person to fill the office of Kuhina Nui.

### SECTION III. OF THE PRIVY COUNCIL.

ART. 49. There shall continue to be a Council of State for advising the King in the Executive part of the Government, and in directing the affairs of the Kingdom, according to the Constitution and laws of the land, to be called *the King's Privy Council of State*.

ART. 50. The members of the Privy Council are appointed

by the King, and hold their offices during His Majesty's pleasure. The King's Ministers and the Governors of the Islands are, *ex-officio*, members of His Privy Council. The Privy Council regulates its own proceedings by By-laws enacted by themselves and approved by the King.

#### SECTION IV. OF THE KING'S MINISTERS.

ART. 51. The Ministers of the King are appointed and commissioned by Him, and hold their offices during His Majesty's pleasure, subject to impeachment.

ART. 52. The King's Ministers constitute his Cabinet Council, and, as such, are his special advisers in the Executive affairs of the Kingdom.

ART. 53. Each of them shall keep an office at the seat of Government, be accountable for the conduct of his deputies and clerks; and grant information, so far as may consist with the King's honor and the good of the public service, to either House of the Legislature, or attend upon either in person, or by deputy, as such House shall determine.

ART. 54. Each of them shall make an annual report to the Legislature, made up to the first of January next preceding, of the transactions and business of his Department, within one week after the opening of the Legislature.

ART. 55. The King's Ministers hold seats in the House of Nobles; and they have the right to be heard in the House of Representatives, when accused of mal-administration in office.

#### SECTION V. OF THE GOVERNORS.

ART. 56. The King, by and with the advice of His Privy Council, appoints and commissions the Governors of his several Islands; the Governors hold office for the term of four years, subject to impeachment.

ART. 57. The King with the consent of the Governor, may appoint in one or more islands, a Lieutenant Governor, during His pleasure, to assist the Governor but always subordinate to him in authority.

ART. 58. The Governors, in case of sickness, or unavoidable absence, in all cases where no Lieutenant Governor has been appointed, have power to appoint substitutes, for all whose official acts they are responsible.

ART. 59. The Governors, subject to the King, shall have the

executive control of their respective Islands, agreeably with the Constitution and laws of the land; and they shall have the command of the military forces of their respective Islands, and shall make an annual report of the administration of their respective Islands to the Minister of the Interior.

### OF THE LEGISLATIVE POWER.

ART. 60. The Legislative Power of this Kingdom is vested in the King, the House of Nobles, and the House of Representatives; each of whom has a negative on the other.

ART. 61. The Legislative Body shall assemble annually, for the purpose of seeking the welfare of the nation, in the first week in April, and at such other time, and in the place that the King may judge necessary. This Body shall be styled the Legislature of the Hawaiian Islands.

ART. 62. Full power and authority are hereby given to said Legislature, from time to time, to make all manner of wholesome laws, either with penalties or without, as they shall judge to be for the welfare of the nation, and for the necessary support and defense of good government; provided the same be not repugnant or contrary to this Constitution.

ART. 63. No bill or resolution, although it may have passed the Legislature, shall become a law, or have force as such, until it shall have been presented to the King, through the Kuhina Nui, for his revisal, and if he approve thereof, he shall signify his approbation by signing the same. But if he have any objection to the passing of such bill or resolve, he shall return it with his objections in writing to that House in which it shall have originated, who shall enter the objections at large on their journal, and no such bill shall be brought forward thereafter during the same session.

ART. 64. Each House shall be the judge of the qualifications of its own members, and a majority of each shall constitute a quorum to do business; but a smaller number may adjourn from day to day, and compel the attendance of absent members, in such manner and under such penalties as each House may provide.

ART. 65. Each House shall choose its own officers, and determine the rules of its own proceedings.

ART. 66. Each House shall have authority to punish by imprisonment, not exceeding thirty days, every person, not a member, who shall be guilty of disrespect to the House, by any dis-

orderly or contemptuous behavior in its presence; or who during the time of its sitting, shall threaten harm to the body or estate of any of its members, for any thing said or done in the House, or who shall assault any of them therefor, or who shall assault or arrest any witness or other person ordered to attend the House, in his way going or returning; or who shall rescue any person arrested by order of the House.

ART. 67. Each House may punish its own members for disorderly behavior.

ART. 68. Each House shall keep a journal of its proceedings, and the yeas and nays of the members of either House, on any question, shall, at the desire of one fifth of those present, be entered on the journal.

ART. 69. The members of either House shall in all cases, except treason, felony or breach of the peace, be privileged from arrest during their attendance at the session of their respective Houses, and in going to and returning from the same; and they shall not be held to answer for any speech, or debate made in the House, in any other court or place whatsoever.

ART. 70. The Members of the House of Representatives shall receive, for their services a compensation to be ascertained by law and paid out of the public treasury, but no increase of compensation shall take effect during the year in which it shall have been made; and no law shall be passed, increasing the compensation of said members beyond the sum of three dollars per day.

ART. 71. The members of the House of Nobles sit without pay; but they may receive hereafter such a compensation as the law may enact.

## OF THE HOUSE OF NOBLES.

ART. 72. The King appoints the members of the House of Nobles, who hold their seats during life, subject to the provision of article 67; but their number shall not exceed thirty.

ART. 73. No person shall be eligible to a seat in the House of Nobles, who shall not have attained to the age of twenty-one years and resided in the Kingdom five years.

ART. 74. The House of Nobles shall be a Court with full and sole authority to hear and determine all impeachments made by the House of Representatives, against any officer or officers of the Kingdom, for mis-conduct and mal-administration in their offices; but previous to the trial of every impeachment,

the members shall respectively be sworn, truly and impartially to try and determine the charge in question, according to evidence and the law. Their judgment, however, shall not extend further than to removal from office and disqualification to hold or enjoy any place of honor, trust, or profit under this government; but the party so convicted shall be, nevertheless, liable to indictment, trial, judgment, and punishment, according to the laws of the land.

### OF THE HOUSE OF REPRESENTATIVES.

ART. 75. The House of Representatives shall be composed of not less than twenty-four nor more than forty members, who shall be elected annually.

ART. 76. The Representation of the people shall be based on the principle of equality, and shall be forever regulated and apportioned according to the population, to be ascertained by the official census. In the year one thousand eight hundred and fifty-three, and every sixth year thereafter, the number of Representatives shall be fixed by the Legislature agreeably with this and the preceding article.

ART. 77. No person shall be eligible for a Representative of the people, who is insane, or an idiot, or who shall at any time have been convicted of any infamous crime, nor unless he be a male subject or denizen of the Kingdom, who shall have arrived at the full age of twenty-five years, who shall know how to read and write, who shall understand accounts, and who shall have resided in the Kingdom for at least one year immediately preceding his election.

ART. 78. Every male subject of His Majesty, whether native or naturalized, and every denizen of the Kingdom, who shall have paid his taxes, who shall have attained the full age of twenty years, and who shall have resided in the Kingdom for one year immediately preceding the time of election, shall be entitled to one vote for the representative or representatives, of the district in which he may have resided three months next preceding the day of election; provided that no insane person, nor any person who shall at any time have been convicted of any infamous crime, within this Kingdom, unless he shall have been pardoned by the King, and by the terms of such pardon been restored to all the rights of a subject, shall be allowed to vote.

ART. 79. All bills or resolves for raising the revenue, or calling for any expenditure of the public money, shall originate

in the House of Representatives; but the House of Nobles may propose or concur with amendments as on other bills.

ART. 80. The House of Representatives shall be the grand inquest of the Kingdom; and all impeachments made by them shall be heard and tried by the House of Nobles.

## OF THE JUDICIARY.

ART. 81. The Judicial Power of the Kingdom shall be vested in one Supreme Court, and in such inferior courts as the Legislature may from time to time establish.

ART. 82. The Supreme Court shall consist of a Chief Justice and two associate Justices, any of whom may hold the court. The Justices of the Supreme Court shall hold their offices during good behavior, subject to removal upon impeachment; and shall, at stated times, receive for their services a compensation, which shall not be diminished during their continuance in office. Provided, however, that any judge of the Supreme Court, or of any other Court of Record, may be removed from office for mental or physical inability by a concurrent resolution of two-thirds of both branches of the Legislature. The judge against whom the Legislature may be about to proceed, shall receive notice thereof, accompanied by a copy of the causes alleged for his removal, at least twenty days before the day on which either branch of the Legislature shall act thereon.

ART. 83. The Kingdom shall be divided, by law, into a convenient number of circuits, not less than four, nor exceeding eight, subject to alteration by the Legislature, from time to time, as the public good may require; for each of which one or more Circuit Judges, not exceeding three, however, shall be appointed to hold their offices during good behavior, subject to removal upon impeachment.

ART. 84. The judicial power shall extend to all cases in Law and Equity, arising under the Constitution, any law of this Kingdom, and treaties made, or which shall be made under their authority; to all cases affecting Ambassadors, other public ministers and Consuls, and to all cases of Admiralty and maritime jurisdiction.

ART. 85. The Judicial power shall be divided among the Supreme Court and the several inferior courts of the Kingdom. in such manner as the Legislature may from time to time indicate.

ART. 86. The Chief Justice of the Supreme Court shall be

the Chancellor of the Kingdom; he shall be *ex-officio* President of the House of Nobles in all cases of impeachment, unless when impeached himself; and exercise such jurisdiction in equity or other cases as the law may confer upon him, his decisions being subject, however, to the revision of the Supreme Court, on appeal.

ART. 87. The decisions of the Supreme Court, when made by a majority of the Justices thereof, shall be final and conclusive upon all parties.

ART. 88. The King, His Ministers, the Governors, and each branch of the Legislature shall have authority to require the opinions of the Justices of the Supreme Court, upon important questions of law, and upon solemn occasions.

ART. 89. The King, by and with the advice of His Privy Council, appoints the Justices of the Supreme Court, and all other Judges of Courts of Record; their salaries are fixed by law.

ART. 90. The Governors, by and with the advice of the Justices of the Supreme Court, shall appoint the District Justices of their respective islands.

ART. 91. In order that the people may not suffer from long continuance in place of any District Justice, who shall fail of discharging the important duties of his office with ability and fidelity, all commissions of District Justices shall expire and become void in the term of two years from their respective dates; and upon the expiration of any commission the same shall be renewed, or another person appointed, as shall most conduce to the well-being of the Kingdom. Provided always, that District Justices shall be subject to removal at any time by the Circuit Court of their respective islands, for causes particularly assigned by the Judges of said Court in rendering their judgment. But no District Justice shall be removed until he shall have notice of the charges made against him and an opportunity of being heard in his defense.

ART. 92. No Judge or Magistrate can sit alone on an appeal or new trial, in any case on which he may have given a previous judgment.

ART. 93. It shall be the duty of the Chief Justice to make an annual report, through the Minister of the Interior, to the Legislature, of the state of the Judiciary of the Kingdom in all its branches.

## OF OATHS.

ART. 94. The King, after approving this Constitution, shall take the following oath:

I solemnly swear, in the presence of Almighty God, to maintain the Constitution of the Kingdom whole and inviolate, and to govern in conformity with that and the laws.

ART. 95. The Kuhina Nui shall take the same oath; and when exercising the Executive Power, during a minority, he shall take the following oath:

I solemnly swear, in the presence of Almighty God, to preserve the rights of the Heir to the Crown, and the Constitution whole and inviolate, and to govern in conformity with that and the law.

ART. 96. Every member of the House of Nobles shall take the following oath:

I most solemnly swear in the presence of Almighty God, that I will loyally support the Constitution and Laws of the Hawaiian Islands, and conscientiously and impartially discharge my duty as a member of this House.

ART. 97. Every member of the House of Representatives shall take the following oath:

I most solemnly swear in the presence of Almighty God, that I will faithfully support the Constitution and Laws of the Hawaiian Islands and conscientiously and impartially discharge my duties, as a Representative of the people.

## GENERAL PROVISIONS.

ART. 98. No person shall ever hold a seat in the Legislature, or any office of honor, trust, or profit under the Government of the Hawaiian Islands, who shall in due course of law, have been convicted of theft, bribery, perjury, forgery, embezzlement, or other high crime or misdemeanor.

ART. 99. No officer of this Government shall hold any office, or receive any pension or salary, from any other government or power whatever.

ART. 100. The Legislature votes the appropriations for the year, after due consideration of the revenue and expenditure of the year preceding, and of the estimates of the revenue and expenditure for the current year, which shall be submitted to them by the Minister of Finance; all which accounts shall be appended to the Bill of Appropriations and published annually.

ART. 101. The enacting style in making and passing all



Acts and Laws, shall be:—"Be it enacted by the King, the Nobles and the Representatives of the Hawaiian Islands in Legislative Council assembled."

ART. 102. To avoid improper influences which may result from intermixing in one and the same Act such things as have no proper relation to each other, every law shall embrace but one object, and that shall be expressed in the title.

ART. 103. All laws now in force in this Kingdom, shall continue and remain in full effect, until altered or repealed by the Legislature; such parts only excepted as are repugnant to this Constitution. All laws now enacted, or that may hereafter be enacted, contrary to this Constitution, shall be null and void.

ART. 104. This Constitution shall be in force from the first Monday of December in the year one thousand eight hundred and fifty-two; but that there may be no failure of justice, or danger to the Kingdom, from any change, all officers of this Kingdom, at the time this Constitution shall take effect, shall have, hold, and exercise all the powers to them granted, until other persons shall be appointed in their stead; and all courts of law shall proceed in the execution of the business of their respective departments; and all executive and legislative officers, bodies and powers, shall continue in full force, in the enjoyment and exercise of their trusts, employments and authority, until new appointments or elections shall take place under this Constitution.

#### MODE OF AMENDING THE CONSTITUTION.

ART. 105. Any amendment or amendments to this Constitution may be proposed in either branch of the Legislature, and if the same shall be agreed to by a majority of the members of each House, such proposed amendment or amendments shall be entered on their journals, with the yeas and nays taken thereon, and referred to the next Legislature; which proposed amendment or amendments shall be published for three months previous to the election of the next House of Representatives; and if, in the next Legislature, such proposed amendment or amendments, shall be agreed to by two-thirds of all the members of each house, and be approved by the King, such amendment or amendments shall become part of the Constitution of this Kingdom.

KAMEHAMEHA.

KEONI ANA.

# CONSTITUTION.

GRANTED BY HIS MAJESTY KAMEHAMEHA V, BY THE GRACE OF  
GOD, KING OF THE HAWAIIAN ISLANDS, ON THE TWENTIETH  
DAY OF AUGUST, A. D. 1864.

ARTICLE 1. God hath endowed all men with certain inalienable rights; among which are life, liberty, and the right of acquiring, possessing, and protecting property, and of pursuing and obtaining safety and happiness.

ARTICLE 2. All men are free to worship God according to the dictates of their own consciences; but this sacred privilege hereby secured, shall not be so construed as to justify acts of licentiousness, or practices inconsistent with the peace or safety of the Kingdom.

ARTICLE 3. All men may freely speak, write, and publish their sentiments on all subjects, being responsible for the abuse of that right, and no law shall be enacted to restrain the liberty of speech, or of the press, except such laws as may be necessary for the protection of His Majesty the King and the Royal Family.

ARTICLE 4. All men shall have the right, in an orderly and peaceable manner, to assemble, without arms, to consult upon the common good, and to petition the King or Legislative Assembly for redress of grievances.

ARTICLE 5. The privilege of the writ of *Habeas Corpus* belongs to all men, and shall not be suspended, unless by the King, when in cases of rebellion or invasion, the public safety shall require its suspension.

ARTICLE 6. No person shall be subject to punishment for any offense, except on due and legal conviction thereof, in a Court having jurisdiction of the case.

ARTICLE 7. No person shall be held to answer for any crime or offense, (except in cases of impeachment, or for offenses within the jurisdiction of a Police or District Justice, or in summary proceedings for contempt,) unless upon indictment, fully and plainly describing such crime or offense, and he shall have the right to meet the witnesses who are produced against him face to face; to produce witnesses and proofs in his own favor; and by himself or his counsel, at his election, to examine the witnesses produced by himself, and cross-examine those produced against him, and to be fully heard in his defense. In all cases

in which the right of trial by Jury has been heretofore used, it shall be held inviolable forever, except in actions of debt or assumpsit in which the amount claimed is less than Fifty Dollars.

ARTICLE 8. No person shall be required to answer again for an offense, of which he has been duly convicted, or of which he has been duly acquitted upon a good and sufficient indictment.

ARTICLE 9. No person shall be compelled, in any criminal case, to be a witness against himself; nor be deprived of life, liberty, or property without due process of law.

ARTICLE 10. No person shall sit as a judge or juror, in any case in which his relative is interested, either as plaintiff or defendant, or in the issue of which the said judge or juror, may have, either directly or through a relative, any pecuniary interest.

ARTICLE 11. Involuntary servitude, except for crime, is forever prohibited in this Kingdom; whenever a slave shall enter Hawaiian Territory, he shall be free.

ARTICLE 12. Every person has the right to be secure from all unreasonable searches and seizures of his person, his house, his papers, and effects; and no warrants shall issue, but on probable cause, supported by oath or affirmation, and describing the place to be searched, and the persons or things to be seized.

ARTICLE 13. The King conducts His Government for the common good; and not for the profit, honor, or private interest of any one man, family, or class of men among His subjects.

ARTICLE 14. Each member of society has a right to be protected by it, in the enjoyment of his life, liberty, and property, according to law; and, therefore, he shall be obliged to contribute his proportional share to the expense of this protection, and to give his personal services, or an equivalent when necessary; but no part of the property of any individual shall be taken from him, or applied to public uses, without his own consent, or the enactment of the Legislative Assembly, except the same shall be necessary for the military operation of the Kingdom in time of war or insurrection; and whenever the public exigencies may require that the property of any individual should be appropriated to public uses, he shall receive a reasonable compensation therefor.

ARTICLE 15. No subsidy, duty or tax of any description shall be established or levied, without the consent of the Legislative Assembly; nor shall any money be drawn from the Public Treasury without such consent, except when between the

session of the Legislative Assembly the emergencies of war, invasion, rebellion, pestilence, or other public disaster shall arise, and then not without the concurrence of all the Cabinet, and of a majority of the whole Privy Council; and the Minister of Finance shall render a detailed account of such expenditure to the Legislative Assembly.

ARTICLE 16. No Retrospective Laws shall ever be enacted.

ARTICLE 17. The Military shall always be subject to the laws of the land; and no soldier shall, in time of peace, be quartered in any house without the consent of the owner; nor in time of war, but in a manner to be prescribed by the Legislature.

ARTICLE 18. Every Elector shall be privileged from arrest on election days during his attendance at election, and in going to and returning therefrom, except in cases of treason, felony, or breach of the peace.

ARTICLE 19. No Elector shall be so obliged to perform military duty, on the day of election, as to prevent his voting; except in time of war, or public danger.

ARTICLE 20. The Supreme Power of the Kingdom in its exercise, is divided into the Executive, Legislative, and Judicial; these shall always be preserved distinct, and no Judge of a Court of Record shall ever be a member of the Legislative Assembly.

ARTICLE 21. The Government of this Kingdom is that of a Constitutional Monarchy, under His Majesty Kamehameha V, His Heirs and Successors.

ARTICLE 22. The Crown is hereby permanently confirmed to His Majesty Kamehameha V, and to the Heirs of His body lawfully begotten, and to their lawful Descendants in a direct line; failing whom, the Crown shall descend to Her Royal Highness the Princess Victoria Kamamalu Kaahumanu, and the heirs of her body, lawfully begotten, and their lawful descendants in a direct line. The Succession shall be to the senior male child, and to the heirs of his body; failing a male child, the succession shall be to the senior female child, and to the heirs of her body. In case there is no heir as above provided, then the successor shall be the person whom the Sovereign shall appoint with the consent of the Nobles, and publicly proclaim as such during the King's life; but should there be no such appointment and proclamation, and the Throne should become vacant, then the Cabinet Council, immediately after the occurring of such vacancy, shall cause a meeting of the Legislative Assembly, who shall elect by ballot some native Alii of the Kingdom as Successor to the Throne; and the Successor so elected shall become a new

*Stirps* for a Royal Family; and the succession from the Sovereign thus elected, shall be regulated by the same law as the present Royal Family of Hawaii.

ARTICLE 23. It shall not be lawful for any member of the Royal Family of Hawaii who may by Law succeed to the Throne, to contract Marriage without the consent of the Reigning Sovereign. Every Marriage so contracted shall be void, and the person so contracting a Marriage, may, by the Proclamation of the Reigning Sovereign, be declared to have forfeited His or Her right to the Throne, and after such Proclamation, the Right of Succession shall vest in the next Heir as though such offender were *Dead*.

ARTICLE 24. His Majesty Kamehameha V, will, and His Successors upon coming to the Throne, shall take the following oath: I solemnly swear in the presence of Almighty God, to maintain the Constitution of the Kingdom whole and inviolate, and to govern in conformity therewith.

ARTICLE 25. No person shall ever sit upon the Throne, who has been convicted of any infamous crime, or who is insane, or an idiot.

ARTICLE 26. The King is the Commander-in-Chief of the Army and Navy, and of all other Military Forces of the Kingdom, by sea and land; and has full power by Himself, or by any officer or officers He may appoint, to train and govern such forces, as He may judge best for the defence and safety of the Kingdom. But he shall never proclaim war without the consent of the Legislative Assembly.

ARTICLE 27. The King, by and with the advice of His Privy Council, has the power to grant reprieves and pardons, after conviction, for all offences, except in cases of impeachment.

ARTICLE 28. The King, by and with the advice of His Privy Council, convenes the Legislative Assembly at the seat of Government, or at a different place, if that should become dangerous from an enemy or any dangerous disorder; and in case of disagreement between His Majesty and the Legislative Assembly, he adjourns, prorogues, or dissolves it, but not beyond the next ordinary Session; under any great emergency, he may convene the Legislative Assembly to extraordinary Sessions.

ARTICLE 29. The King has the power to make Treaties. Treaties involving changes in the Tariff or in any law of the Kingdom shall be referred for approval to the Legislative Assembly. The King appoints Public Ministers, who shall be con-

missioned, accredited, and instructed agreeably to the usage and law of Nations.

ARTICLE 30. It is the King's Prerogative to receive and acknowledge Public Ministers; to inform the Legislative Assembly by Royal Message, from time to time, of the state of the Kingdom, and to recommend to its consideration such measures as he shall judge necessary and expedient.

ARTICLE 31. The person of the King is inviolable and sacred. His Ministers are responsible. To the King belongs the Executive power. All laws that have passed the Legislative Assembly, shall require His Majesty's signature in order to their validity.

ARTICLE 32. Whenever, upon the decease of the Reigning Sovereign, the Heir shall be less than eighteen years of age, the Royal Power shall be exercised by a Regent or Council of Regency, as hereinafter provided.

ARTICLE 33. It shall be lawful for the King at any time when he may be about to absent himself from the Kingdom, to appoint a Regent or Council of Regency, who shall administer the Government in His name; and likewise the King may, by His last Will and Testament, appoint a Regent or Council of Regency to administer the Government during the minority of any Heir to the Throne; and should a Sovereign de cease, leaving a Minor Heir, and having made no last Will and Testament, the Cabinet Council at the time of such decease shall be a Council of Regency, until the Legislative Assembly, which shall be called immediately, may be assembled, and the Legislative Assembly immediately that it is assembled shall proceed to choose by ballot, a Regent or Council of Regency, who shall administer the Government in the name of the King, and exercise all the Powers which are Constitutionally vested in the King, until he shall have attained the age of eighteen years, which age is declared to be the Legal Majority of such Sovereign.

ARTICLE 34. The King is Sovereign of all the Chiefs and of all the People; the Kingdom is His.

ARTICLE 35. All Titles of Honor, Orders, and other distinctions, emanate from the King.

ARTICLE 36. The King coins money, and regulates the currency by law.

ARTICLE 37. The King, in case of invasion or rebellion, can place the whole Kingdom or any part of it under martial law.

ARTICLE 38. The National Ensign shall not be changed, except by Act of the Legislature.

ARTICLE 39. The King's private lands and other property are inviolable.

ARTICLE 40. The King cannot be sued or held to account in any Court or Tribunal of the Realm.

ARTICLE 41. There shall continue to be a Council of State, for advising the King in all matters for the good of the State, wherein He may require its advice, and for assisting him in administering the Executive affairs of the Government, in such manner as he may direct; which Council shall be called the King's Privy Council of State, and the members thereof shall be appointed by the King, to hold office during His Majesty's pleasure.

ARTICLE 42. The King's Cabinet shall consist of the Minister of Foreign Affairs, the Minister of the Interior, the Minister of Finance, and the Attorney General of the Kingdom, and these shall be His Majesty's Special Advisers in the Executive affairs of the Kingdom; and they shall be *ex officio* Members of His Majesty's Privy Council of State. They shall be appointed and commissioned by the King, and hold office during His Majesty's pleasure, subject to impeachment. No act of the King shall have any effect unless it be countersigned by a Minister, who by that signature makes himself responsible.

ARTICLE 43. Each member of the King's Cabinet shall keep an office at the seat of Government, and shall be accountable for the conduct of his deputies and clerks. The Ministry hold seats *ex officio*, as Nobles, in the Legislative Assembly.

ARTICLE 44. The Minister of Finance shall present to the Legislative Assembly in the name of the Government, on the first day of the meeting of the Legislature, the Financial Budget, in the Hawaiian and English languages.

ARTICLE 45. The Legislative power of the Three Estates of this Kingdom is vested in the King, and the Legislative Assembly; which Assembly shall consist of the Nobles appointed by the King, and of the Representatives of the People, sitting together.

ARTICLE 46. The Legislative Body shall assemble biennially, in the month of April, and at such other time as the King may judge necessary, for the purpose of seeking the welfare of the Nation. This Body shall be styled the Legislature of the Hawaiian Kingdom.

ARTICLE 47. Every member of the Legislative Assembly

shall take the following oath: I most solemnly swear, in the presence of Almighty God, that I will faithfully support the Constitution of the Hawaiian Kingdom, and conscientiously and impartially discharge my duties as a member of this Assembly.

ARTICLE 48. The Legislature has full power and authority to amend the Constitution as hereinafter provided; and from time to time to make all manner of wholesome laws, not repugnant to the provisions of the Constitution.

ARTICLE 49. The King shall signify His approval of any Bill or Resolution, which shall have passed the Legislative Assembly, by signing the same previous to the final rising of the Legislature. But if he shall object to the passing of such Bill or Resolution, He will return it to the Legislative Assembly, who shall enter the fact of such return on its journal, and such Bill or Resolution shall not be brought forward thereafter during the same session.

ARTICLE 50. The Legislative Assembly shall be the judge of the qualifications of its own members, and a majority shall constitute a quorum to do business; but a smaller number may adjourn from day to day, and compel the attendance of absent members, in such manner and under such penalties as the Assembly may provide.

ARTICLE 51. The Legislative Assembly shall choose its own officers and determine the Rules of its own proceedings.

ARTICLE 52. The Legislative Assembly shall have authority to punish by imprisonment, not exceeding thirty days, every person, not a member, who shall be guilty of disrespect to the Assembly, by any disorderly or contemptuous behavior in its presence; or who, during the time of its sitting, shall publish any false report of its proceedings, or insulting comments upon the same; or who shall threaten harm to the body or estate of any of its members, for anything said or done in the Assembly; or who shall assault any of them therefor, or who shall assault or arrest any witness, or other person ordered to attend the Assembly, in his way going or returning; or who shall rescue any person arrested by order of the Assembly.

ARTICLE 53. The Legislative Assembly may punish its own members for disorderly behavior.

ARTICLE 54. The Legislative Assembly shall keep a journal of its proceedings; and the yeas and nays of the members, on any question, shall, at the desire of one-fifth of those present, be entered on the journal.



ARTICLE 55. The Members of the Legislative Assembly shall, in all cases, except treason, felony, or breach of the peace, be privileged from arrest during their attendance at the Sessions of the Legislature, and in going to and returning from the same; and they shall not be held to answer for any speech or debate made in the Assembly, in any other Court or place whatsoever.

ARTICLE 56. The Representatives shall receive for their services a compensation to be ascertained by law, and paid out of the Public Treasury, but no increase of compensation shall take effect during the year in which it shall have been made; and no law shall be passed, increasing the compensation of said Representatives beyond the sum of One Hundred and Fifty Dollars for each session.

ARTICLE 57. The King appoints the Nobles, who shall hold their appointments during life, subject to the provisions of Article 53; but their number shall not exceed twenty.

ARTICLE 58. No person shall be appointed a Noble who shall not have attained the age of twenty-one years and resided in the Kingdom five years.

ARTICLE 59. The Nobles shall be a Court, with full and sole authority to hear and determine all impeachments made by the Representatives, as the Grand Inquest of the Kingdom, against any officers of the Kingdom, for misconduct or maladministration in their offices; but previous to the trial of every impeachment the Nobles shall respectively be sworn, truly and impartially to try and determine the charge in question, according to evidence and the law. Their judgment, however, shall not extend further than to removal from office and disqualification to hold or enjoy any place of honor, trust, or profit, under this Government; but the party so convicted shall be, nevertheless, liable to indictment, trial, judgment and punishment according to the laws of the land. No Minister shall sit as a Noble on the trial of any impeachment.

ARTICLE 60. The Representation of the People shall be based upon the principle of equality, and shall be regulated and apportioned by the Legislature according to the population, to be ascertained, from time to time, by the official census. The Representatives shall not be less in number than twenty-four, nor more than forty, who shall be elected biennially.

ARTICLE 61. No person shall be eligible for a Representative of the People, who is insane or an idiot; nor unless he be a male subject of the Kingdom, who shall have arrived at the full age of Twenty-One years—who shall know how to read and

write—who shall understand accounts—and shall have been domiciled in the Kingdom for at least three years, the last of which shall be the year immediately preceding his election; and who shall own Real Estate, within the Kingdom, of a clear value, over and above all incumbrances, of at least Five Hundred Dollars; or who shall have an annual income of at least Two Hundred and Fifty Dollars, derived from any property, or some lawful employment.

ARTICLE 62. Every male subject of the Kingdom, who shall have paid his taxes, who shall have attained the age of twenty years, and shall have been domiciled in the Kingdom for one year immediately preceding the election; and shall be possessed of Real Property in this Kingdom, to the value over and above all incumbrances of One Hundred and Fifty Dollars—or of a Lease-hold property on which the rent is Twenty-five Dollars per year—or of an income of not less than Seventy-Five Dollars per year, derived from any property or some lawful employment, and shall know how to read and write, if born since the year 1840, and shall have caused his name to be entered on the list of voters of his District as may be provided by law, shall be entitled to one vote for the Representative or Representatives of that District. *Provided, however,* that no insane or idiotic person, nor any person who shall have been convicted of any infamous crime within this Kingdom, unless he shall have been pardoned by the King, and by the terms of such pardon have been restored to all the rights of a subject, shall be allowed to vote.

ARTICLE 63. The property qualification of the Representatives of the People, and of the Electors, may be increased by law.

ARTICLE 64. The Judicial Power of the Kingdom shall be vested in one Supreme Court, and in such Inferior Courts as the Legislature may, from time to time, establish.

ARTICLE 65. The Supreme Court shall consist of a Chief Justice, and not less than two Associate Justices, any of whom may hold the Court. The Justices of the Supreme Court shall hold their offices during good behavior, subject to removal upon impeachment, and shall, at stated times, receive for their services a compensation, which shall not be diminished during their continuance in office. *Provided, however,* that any Judge of the Supreme Court or any other Court of Record may be removed from office, on a resolution passed by two-thirds of the Legislative Assembly, for good cause shown to the satisfaction of the King. The Judge against whom the Legislative Assembly may

be about to proceed, shall receive notice thereof, accompanied by a copy of the causes alleged for his removal, at least ten days before the day on which the Legislative Assembly shall act thereon. He shall be heard before the Legislative Assembly.

ARTICLE 66. The Judicial Power shall be divided among the Supreme Court and the several Inferior Courts of the Kingdom, in such manner as the Legislature may, from time to time, prescribe, and the tenure of office in the Inferior Courts of the Kingdom shall be such as may be defined by the law creating them.

ARTICLE 67. The Judicial Power shall extend to all cases in law and equity, arising under the Constitution and laws, of this Kingdom, and Treaties made, or which shall be made under their authority, to all cases affecting Public Ministers and Consuls, and to all cases of Admiralty and Maritime jurisdiction.

ARTICLE 68. The Chief Justice of the Supreme Court shall be the Chancellor of the Kingdom; he shall be *ex officio* President of the Nobles in all cases of impeachment, unless when impeached himself; and exercise such jurisdiction in equity or other cases as the law may confer upon him; his decisions being subject, however, to the revision of the Supreme Court on appeal. Should the Chief Justice ever be impeached, some person specially commissioned by the King shall be President of the Court of Impeachment during such trial.

ARTICLE 69. The decisions of the Supreme Court, when made by a majority of the Justices thereof, shall be final and conclusive upon all parties.

ARTICLE 70. The King, His Cabinet, and the Legislative Assembly, shall have authority to require the opinions of the Justices of the Supreme Court, upon important questions of law, and upon solemn occasions.

ARTICLE 71. The King appoints the Justices of the Supreme Court, and all other Judges of Courts of Record; their salaries are fixed by law.

ARTICLE 72. No judge or Magistrate can sit alone on an appeal or new trial, in any case on which he may have given a previous judgment.

ARTICLE 73. No person shall ever hold any office of Honor, Trust, or Profit under the Government of the Hawaiian Islands, who shall, in due course of law, have been convicted of Theft, Bribery, Perjury, Forgery, Embezzlement, or other high crime or misdemeanor, unless he shall have been pardoned by the King, and restored to his Civil Rights, and by the express terms

of his pardon, declared to be appointable to offices of Trust, Honor, and Profit.

ARTICLE 74. No officer of this Government shall hold any office, or receive any salary from any other Government or Power whatever.

ARTICLE 75. The Legislature votes the Appropriations biennially, after due consideration of the revenue and expenditure for the two preceding years, and the estimates of the revenue and expenditure of the two succeeding years, which shall be submitted to them by the Minister of Finance.

ARTICLE 76. The enacting style in making and passing all Acts and Laws shall be, "Be it enacted by the King, and the Legislative Assembly of the Hawaiian Islands, in the Legislature of the Kingdom assembled."

ARTICLE 77. To avoid improper influences which may result from intermixing in one and the same Act, such things as have no proper relation to each other, every law shall embrace but one object, and that shall be expressed in its title.

ARTICLE 78. All laws now in force in this Kingdom, shall continue and remain in full effect, until altered or repealed by the Legislature; such parts only excepted as are repugnant to this Constitution. All laws heretofore enacted, or that may hereafter be enacted, which are contrary to this Constitution, shall be null and void.

ARTICLE 79. This Constitution shall be in force from the Twentieth day of August in the year One Thousand Eight Hundred and Sixty-Four, but that there may be no failure of justice, or inconvenience to the Kingdom, from any change, all officers of this Kingdom, at the time this Constitution shall take effect, shall have, hold, and exercise all the power to them granted, until other persons shall be appointed in their stead.

ARTICLE 80. Any amendment or amendments to this Constitution may be proposed in the Legislative Assembly, and if the same shall be agreed to by a majority of the members thereof, such proposed amendment or amendments shall be entered on its journal, with the yeas and nays taken thereon, and referred to the next Legislature; which proposed amendment or amendments shall be published for three months previous to the next election of Representatives; and if in the next Legislature such proposed amendment or amendments shall be agreed to by two-thirds of all the members of the Legislative Assembly, and be approved by the King, such amendment or amendments shall become part of the Constitution of this country.

KAMEHAMEHA R.

## AMENDMENT TO THE CONSTITUTION.

AN ACT—TO AMEND THE CONSTITUTION GRANTED BY HIS MAJESTY KAMEHAMEHA V. ON THE 20TH DAY OF AUGUST, 1864, PROPOSED IN ACCORDANCE WITH ARTICLE 80 OF THE CONSTITUTION.

*Be it Enacted by the King and the Legislative Assembly of the Hawaiian Islands, in the Legislature of the Kingdom assembled:*

That Article 56 be, and the same is hereby amended by striking out the words "one hundred and fifty," and inserting in the place thereof, the words "two hundred and fifty," so that the article as amended shall read as follows:

"The Representatives shall receive for their services, a compensation, to be ascertained by law, and paid out of the public Treasury; but no increase of compensation shall take effect during the year in which it shall have been made; and no law shall be passed, increasing the compensation of said Representatives beyond the sum of "two hundred and fifty dollars for each session."

Approved this 13th day of May, A. D., 1868.

KAMEHAMEHA R.

# CONSTITUTION.

GRANTED BY KALAKAUA, JULY 6, 1887.

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WHEREAS, the Constitution of this Kingdom heretofore in force contains many provisions subversive of civil rights and incompatible with enlightened Constitutional Government:

And WHEREAS, it has become imperative in order to restore order and tranquillity and the confidence necessary to a further maintenance of the present Government that a new Constitution should be at once promulgated:

Now THEREFORE, I, Kalakaua, King of the Hawaiian Islands, in my capacity as Sovereign of this Kingdom, and as the representative of the people hereunto by them duly authorized and empowered, do annul and abrogate the Constitution promulgated by Kamehameha the Fifth, on the 20th day of August, A. D. 1864, and do proclaim and promulgate this Constitution.

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ARTICLE 1. God hath endowed all men with certain inalienable rights, among which are life, liberty, and the right of acquiring, possessing, and protecting property, and of pursuing and obtaining safety and happiness.

ARTICLE 2. All men are free to worship God according to the dictates of their own consciences; but this sacred privilege hereby secured, shall not be so construed as to justify acts of licentiousness, or practices inconsistent with the peace or safety of the Kingdom.

ARTICLE 3. All men may freely speak, write, and publish their sentiments on all subjects, being responsible for the abuse of that right, and no law shall be enacted to restrain the liberty of speech, or of the press.

ARTICLE 4. All men shall have the right, in an orderly and peaceable manner, to assemble, without arms, to consult upon the common good, and to petition the King or Legislature for redress of grievances.

ARTICLE 5. The privilege of the writ of *Habeas Corpus* belongs to all men, and shall not be suspended, unless by the King, when in cases of rebellion or invasion, the public safety shall require its suspension.

ARTICLE 6. No person shall be subject to punishment for any offense, except on due and legal conviction thereof, in a Court having jurisdiction of the case.

ARTICLE 7. No person shall be held to answer for any crime or offense (except in cases of impeachment, or for offenses within the jurisdiction of a Police or District Justice, or in summary proceedings for contempt), unless upon indictment, fully and plainly describing such crime or offense, and he shall have the right to meet the witnesses who are produced against him face to face; to produce witnesses and proofs in his own favor; and by himself or his counsel, at his election, to examine the witnesses produced by himself, and cross-examine those produced against him, and to be fully heard in his own defence. In all cases in which the right of trial by Jury has been heretofore used, it shall be held inviolable forever, except in actions of debt or assumpsit in which the amount claimed is less than Fifty Dollars.

ARTICLE 8. No person shall be required to answer again for an offense, of which he has been duly convicted, or of which he has been duly acquitted.

ARTICLE 9. No person shall be compelled, in any criminal case, to be a witness against himself; nor be deprived of life, liberty, or property without due process of law.

ARTICLE 10. No person shall sit as a judge or juror, in any case in which his relative, by affinity, or by consanguinity within the third degree, is interested, either as plaintiff or defendant, or in the issue of which the said judge or juror, may have, either directly or through such relative, any pecuniary interest.

ARTICLE 11. Involuntary servitude, except for crime, is forever prohibited in this Kingdom. Whenever a slave shall enter Hawaiian Territory, he shall be free.

ARTICLE 12. Every person has the right to be secure from all unreasonable searches and seizures of his person, his house, his papers, and effects; and no warrants shall issue, except on probable cause, supported by oath or affirmation, and describing the place to be searched, and the persons or things to be seized.

ARTICLE 13. The Government is conducted for the common good, and not for the profit, honor, or private interest of any one man, family, or class of men.

ARTICLE 14. Each member of society has a right to be protected in the enjoyment of his life, liberty, and property, according to law; and, therefore, he shall be obliged to contribute his proportional share to the expense of this protection, and to give his personal services, or an equivalent when necessary. Private property may be taken for public use, but only upon due process of law and just compensation.

ARTICLE 15. No subsidy, duty, or tax, of any description, shall be established or levied without the consent of the Legislature; nor shall any money be drawn from the Public Treasury without such consent, except when between the sessions of the Legislature, the emergencies of war, invasion, rebellion, pestilence, or other public disaster shall arise, and then not without the concurrence of all the Cabinet, and of a majority of the whole Privy Council; and the Minister of Finance shall render a detailed account of such expenditure to the Legislature.

ARTICLE 16. No retrospective laws shall ever be enacted.

ARTICLE 17. The Military shall always be subject to the laws of the land; and no soldier shall, in time of peace, be quartered in any house without the consent of the owner; nor in time of war, but in a manner to be prescribed by the Legislature.

ARTICLE 18. Every Elector shall be privileged from arrest on election days, during his attendance at election, and in going to and returning therefrom, except in case of treason, felony, or breach of the peace.

ARTICLE 19. No elector shall be so obliged to perform military duty, on the day of election, as to prevent his voting; except in time of war, or public danger.

ARTICLE 20. The Supreme Power of the Kingdom in its exercise, is divided into the Executive, Legislative, and Judicial; these shall always be preserved distinct, and no Executive or Judicial officer, or any contractor, or employee of the Government, or any person in the receipt of salary or emolument from the Government, shall be eligible to election to the Legislature of the Hawaiian Kingdom, or to hold the position of an elective member of the same. And no member of the Legislature shall, during the time for which he is elected, be appointed to any civil office under the Government, except that of a member of the Cabinet.

ARTICLE 21. The Government of this Kingdom is that of a Constitutional Monarchy, under His Majesty Kalakaua, His Heirs and Successors.

ARTICLE 22. The Crown is hereby permanently confirmed to His Majesty Kalakaua, and to the Heirs of His body lawfully begotten, and to their lawful Descendants in a direct line; failing whom, the Crown shall descend to Her Royal Highness the Princess Liliuokalani, and the heirs of her body, lawfully begotten, and their lawful descendants in a direct line. The Succession shall be to the senior male child, and to the heirs of his body; failing a male child, the succession shall be to the senior



female child, and to the heirs of her body. In case there is no heir as above provided, the successor shall be the person whom the Sovereign shall appoint with the consent of the Nobles, and publicly proclaim during the Sovereign's life; but should there be no such appointment and proclamation, and the Throne should become vacant, then the Cabinet, immediately after the occurring of such vacancy, shall cause a meeting of the Legislature, who shall elect by ballot some native Alii of the Kingdom as Successor to the Throne; and the Successor so elected shall become a new *Stirps* for a Royal Family; and the Succession from the Sovereign thus elected, shall be regulated by the same law as the present Royal Family of Hawaii.

ARTICLE 23. It shall not be lawful for any member of the Royal Family of Hawaii who may by Law succeed to the Throne, to contract Marriage without the consent of the Reigning Sovereign. Every Marriage so contracted shall be void, and the person so contracting a Marriage, may, by the proclamation of the Reigning Sovereign, be declared to have forfeited His or Her right to the Throne, and after such Proclamation, the Right of Succession shall vest in the next Heir as though such offender were dead.

ARTICLE 24. His Majesty Kalakaua, will, and his Successors shall take the following oath: I solemnly swear in the presence of Almighty God, to maintain the Constitution of the Kingdom whole and inviolate, and to govern in conformity therewith.

ARTICLE 25. No person shall ever sit upon the Throne, who has been convicted of any infamous crime, or who is insane, or an idiot.

ARTICLE 26. The King is the Commander-in-Chief of the Army and Navy, and of all other Military Forces of the Kingdom, by sea and land. But he shall never proclaim war without the consent of the Legislature; and no military or naval force shall be organized except by the authority of the Legislature.

ARTICLE 27. The King, by and with the advice of his Privy Council, and with the consent of the Cabinet, has the power to grant reprieves and pardons, after conviction, for all offenses, except in case of impeachment.

ARTICLE 28. The King convenes the Legislature at the seat of Government, or at a different place, if that should become insecure from an enemy or any dangerous disorder, and prorogues the same; and in any great emergency he may, with the

advice of the Privy Council, convene the Legislature in extraordinary session.

ARTICLE 29. The King has the power to make Treaties. Treaties involving changes in the Tariff or in any law of the Kingdom, shall be referred for approval to the Legislature. The King appoints Public Ministers, who shall be commissioned, accredited, and instructed agreeably to the usage and law of Nations.

ARTICLE 30. It is the King's Prerogative to receive and acknowledge Public Ministers; to inform the Legislature by Royal Message, from time to time, of the state of the Kingdom; and to recommend to its consideration such measures as he shall judge necessary and expedient.

ARTICLE 31. The person of the King is inviolable and sacred. His Ministers are responsible. To the King and the Cabinet belongs the *Executive power*. All laws that have passed the Legislature, shall require His Majesty's signature in order to their validity, except as provided in Article 48.

ARTICLE 32. Whenever, upon the decease of the Reigning Sovereign, the Heir shall be less than eighteen years of age, the Royal Power shall be exercised by a Regent or Council of Regency, as hereinafter provided.

ARTICLE 33. It shall be lawful for the King at any time when he may be about to absent himself from the Kingdom, to appoint a Regent or Council of Regency, who shall administer the Government in His name; and likewise the King may, by His last Will and Testament, appoint a Regent or Council of Regency to administer the Government during the minority of any Heir to the Throne; and should a Sovereign decease, leaving a minor Heir, and having made no last Will and Testament, the Cabinet at the time of such decease shall be a Council of Regency, until the Legislature, which shall be called immediately, be assembled, and the Legislature immediately that it is assembled shall proceed to choose by ballot, a Regent or Council of Regency, who shall administer the Government in the name of the King, and exercise all the powers which are constitutionally vested in the King, until such Heir shall have attained the age of eighteen years, which age is declared to be the legal majority of such Sovereign.

ARTICLE 34. The King is Sovereign of all the Chiefs and of all the people.

ARTICLE 35. All Titles of Honor, Orders, and other distinctions, emanate from the King.

ARTICLE 36. The King coins money and regulates the currency, by law.

ARTICLE 37. The King, in case of invasion or rebellion, can place the whole Kingdom, or any part of it, under martial law.

ARTICLE 38. The National Ensign shall not be changed, except by Act of the Legislature.

ARTICLE 39. The King cannot be sued or held to account in any court or tribunal of the Kingdom.

ARTICLE 40. There shall continue to be a Council of State, for advising the King in all matters for the good of the State, wherein He may require its advice, which Council shall be called the King's Privy Council of State, and the members thereof shall be appointed by the King, to hold office during His Majesty's pleasure, and which Council shall have and exercise only such powers as are given to it by the Constitution.

ARTICLE 41. The Cabinet shall consist of the Minister of Foreign Affairs, the Minister of the Interior, the Minister of Finance, and the Attorney General, and they shall be His Majesty's special advisers in the executive affairs of the Kingdom; and they shall be *ex officio* members of His Majesty's Privy Council of State. They shall be appointed and commissioned by the King and shall be removed by him, only upon a vote of want of confidence passed by a majority of all the elective members of the Legislature, (25) \* or upon conviction of felony, and shall be subject to impeachment. No act of the King shall have any effect unless it be countersigned by a member of the Cabinet, who by that signature makes himself responsible.

ARTICLE 42. Each member of the Cabinet shall keep an office at the seat of Government, and shall be accountable for the conduct of his deputies and clerks. The Cabinet hold seats *ex officio*, in the Legislature, with the right to vote, except on a question of want of confidence in them.

ARTICLE 43. The Minister of Finance shall present to the Legislature in the name of the Government, on the first day of each Biennial Session, the Financial Budget, in the Hawaiian and English languages.

ARTICLE 44. The Legislative power of the Kingdom is vested in the King and the Legislature, which shall consist of the Nobles and Representatives sitting together.

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\*See Decision of Supreme Court, Sept., 1892.

ARTICLE 45. The Legislative Body shall be styled the Legislature of the Hawaiian Kingdom, and shall assemble, biennially, in the month of May. The first regular session shall be held in the year of our Lord Eighteen Hundred and Eighty-eight.

ARTICLE 46. Every member of the Legislature shall take the following oath: I solemnly swear, in the presence of Almighty God, that I will faithfully support the Constitution of the Hawaiian Kingdom, and conscientiously and impartially discharge my duties as a member of the Legislature.

ARTICLE 47. The Legislature has full power and authority to amend the Constitution as hereinafter provided; and from time to time to make all manner of wholesome laws, not repugnant to the Constitution.

ARTICLE 48. Every Bill which shall have passed the Legislature, shall, before it becomes law, be presented to the King. If he approve he shall sign it and it shall thereby become a law, but, if not, he shall return it, with his objections, to the Legislature, which shall enter the objections at large on their journal and proceed to reconsider it. If after such reconsideration it shall be approved by a two-thirds vote of all the elective members of the Legislature it shall become a law. In all such cases the votes shall be determined by yeas and nays, and the names of the persons voting for and against the Bill shall be entered on the journal of the Legislature. If any Bill shall not be returned by the King within ten days (Sundays excepted) after it shall have been presented to him, the same shall be a law in like manner as if he had signed it, unless the Legislature by their adjournment prevents its return, in which case it shall not be a law.

ARTICLE 49. The Legislature shall be the judge of the qualifications of its own members, except as may hereafter be provided by law, and a majority shall constitute a quorum to do business; but a smaller number may adjourn from day to day, and compel the attendance of absent members, in such manner and under such penalties as the Legislature may provide.

ARTICLE 50. The Legislature shall choose its own officers and determine the Rules of its own proceedings.

ARTICLE 51. The Legislature shall have authority to punish by imprisonment, not exceeding thirty days, every person, not a member, who shall be guilty of disrespect to the Legislature by any disorderly or contemptuous behavior in its presence; or who, during the time of its sitting, shall publish any false report of

its proceedings, or insulting comments upon the same; or who shall threaten harm to the body or estate of any of its members for any thing said or done in the Legislature; or who shall assault any of them therefor, or who shall assault or arrest any witness, or other person ordered to attend the Legislature, on his way going or returning; or who shall rescue any person arrested by order of the Legislature.

ARTICLE 52. The Legislature may punish its own members for disorderly behavior.

ARTICLE 53. The Legislature shall keep a journal of its proceedings; and the yeas and nays of the members, on any question, shall, at the desire of one-fifth of those present, be entered on the journal.

ARTICLE 54. The members of the Legislature shall, in all cases, except treason, felony, or breach of the peace, be privileged from arrest during their attendance at the Sessions of the Legislature, and in going to and returning from the same; provided such privilege as to going and returning shall not cover a period of over twenty days; and they shall not be held to answer for any speech or debate made in the Legislature, in any Court or place whatsoever.

ARTICLE 55. The Representatives shall receive for their services a compensation to be determined by law, and paid out of the Public Treasury, but no increase of compensation shall take effect during the biennial term in which it shall have been made; and no law shall be passed increasing the compensation of Representatives beyond the sum of two hundred and fifty dollars each for each biennial term.

ARTICLE 56. A Noble shall be a subject of the Kingdom, who shall have attained the age of twenty-five years and resided in the Kingdom three years, and shall be the owner of taxable property in this Kingdom of the value of three thousand dollars over and above all encumbrances, or in receipt of an income of not less than six hundred dollars per annum.

ARTICLE 57. The Nobles shall be a Court, with full and sole authority to hear and determine all impeachments made by the Representatives, as the Grand Inquest of the Kingdom, against any officers of the Kingdom, for misconduct or mal-administration in their offices; but previous to the trial of every impeachment the Nobles shall respectively be sworn, truly and impartially to try and determine the charge in question, according to evidence and law. Their judgment, however, shall not extend further than to removal from office and disqualification to hold

or enjoy any place of honor, trust, or profit, under this Government; but the party so convicted shall be, nevertheless, liable to indictment, trial, judgment and punishment according to the laws of the land.

ARTICLE 58. Twenty-four Nobles shall be elected as follows: Six from the Island of Hawaii; six from the Islands of Maui, Molokai and Lanai; nine from the Island of Oahu; and three from the Islands of Kauai and Niihau. At the first election held under this Constitution, the Nobles shall be elected to serve until the general election to the Legislature for the year of our Lord 1890, at which election, and thereafter, the Nobles shall be elected at the same time and places as the Representatives. At the election for the year of our Lord 1890, one-third of the Nobles from each of the divisions aforesaid, shall be elected for two years, and one-third for four years, and one-third for six years, and the electors shall ballot for them for such terms, respectively; and at all subsequent general elections they shall be elected for six years. The Nobles shall serve without pay.

ARTICLE 59. Every male resident of the Hawaiian Islands, of Hawaiian, American or European birth or descent, who shall have attained the age of twenty years, and shall have paid his taxes, and shall have caused his name to be entered on the list of voters for Nobles for his District, shall be an elector of Nobles, and shall be entitled to vote at any election of Nobles, provided:

*First:* That he shall have resided in the country not less than three years, and in the district in which he offers to vote, not less than three months immediately preceding the election at which he offers to vote:

*Second:* That he shall own and be possessed, in his own right, of taxable property in this country of the value of not less than three thousand dollars over and above all encumbrances, or shall have actually received an income of not less than six hundred dollars during the year next preceding his registration for such election:

*Third:* That he shall be able to read and comprehend an ordinary newspaper printed in either the Hawaiian, English or some European language:

*Fourth:* That he shall have taken an oath to support the Constitution and laws, such oath to be administered by any person authorized to administer oaths, or by any Inspector of Elections:

Provided, however, that the requirements of a three years' residence and of ability to read and comprehend an ordinary newspaper, printed either in the Hawaiian, English or some European language, shall not apply to persons residing in the Kingdom at the time of the promulgation of this Constitution, if they shall register and vote at the first election which shall be held under this Constitution.

ARTICLE 60. There shall be twenty-four Representatives of the People elected biennially, except those first elected under this Constitution, who shall serve until the general election for the year of our Lord, 1890. The representation shall be based upon the principles of equality and shall be regulated and apportioned by the Legislature according to the population to be ascertained from time to time by the official census. But until such apportionment by the Legislature, the apportionment now established by law shall remain in force, with the following exceptions, namely: there shall be but two Representatives for the Districts of Hilo and Puna on the Island of Hawaii, but one for the Districts of Lahaina and Kaanapali on the Island of Maui, and but one for the Districts of Koolauloa and Waialua on the Island of Oahu.

ARTICLE 61. No person shall be eligible as a Representative of the people, unless he be a male subject of the Kingdom, who shall have arrived at the full age of twenty-one years; who shall know how to read and write either the Hawaiian, English or some European language; who shall understand accounts; who shall have been domiciled in the Kingdom for at least three years, the last of which shall be the year immediately preceding his election; and who shall own real estate within the Kingdom of a clear value, over and above all encumbrances, of at least five hundred dollars; or who shall have an annual income of at least two hundred and fifty dollars, derived from any property or some lawful employment.

ARTICLE 62. Every male resident of the Kingdom, of Hawaiian, American, or European birth or descent, who shall have taken an oath to support the Constitution and laws in the manner provided for electors of Nobles; who shall have paid his taxes; who shall have attained the age of twenty years; and shall have been domiciled in the Kingdom for one year immediately preceding the election; and shall know how to read and write either the Hawaiian, English or some European language, (if born since the year 1840,) and shall have caused his name to be entered on the list of voters of his district as may be provide d

by law, shall be entitled to one vote for the Representative or Representatives of that district; provided, however, that the requirements of being domiciled in the Kingdom for one year immediately preceding the election, and of knowing how to read and write, either the Hawaiian, English, or some European language, shall not apply to persons residing in this Kingdom at the time of the promulgation of this Constitution, if they shall register and vote at the first election which shall be held under this Constitution.

ARTICLE 63. No person shall sit as a Noble or Representative in the Legislature unless elected under, and in conformity with, the provisions of this Constitution. The property or income qualification of Representatives, of Nobles, and of Electors of Nobles, may be increased by law; and a property or income qualification of Electors of Representatives, may be created and altered by law.

ARTICLE 64. The Judicial Power of the Kingdom shall be vested in one Supreme Court, and in such inferior Courts as the Legislature may, from time to time, establish.

ARTICLE 65. The Supreme Court shall consist of a Chief Justice, and not less than two Associate Justices, any of whom may hold the Court. The Justices of the Supreme Court shall hold their offices during good behavior, subject to removal upon impeachment, and shall, at stated times, receive for their services a compensation, which shall not be diminished during their continuance in office. Provided, however, that any Judge of the Supreme Court or any other Court of Record may be removed from office, on a resolution passed by two-thirds of all the members of the Legislature, for good cause shown to the satisfaction of the King. The Judge against whom the Legislature may be about to proceed, shall receive notice thereof, accompanied by a copy of the causes alleged for his removal, at least ten days before the day on which the Legislature shall act thereon. He shall be heard before the Legislature.

ARTICLE 66. The Judicial Power shall be divided among the Supreme Court and the several inferior Courts of the Kingdom, in such manner as the Legislature may, from time to time, prescribe, and the tenure of office in the inferior Courts of the Kingdom shall be such as may be defined by the law creating them.

ARTICLE 67. The Judicial Power shall extend to all cases in law and equity, arising under the Constitution and laws of this Kingdom, and Treaties made, or which shall be made under



their authority, to all cases affecting Public Ministers and Consuls, and to all cases of Admiralty and Maritime jurisdiction.

ARTICLE 68. The Chief Justice of the Supreme Court shall be the Chancellor of the Kingdom; he shall be *ex officio* President of the Nobles in all cases of impeachment, unless when impeached himself; and shall exercise such jurisdiction in equity or other cases as the law may confer upon him; his decisions being subject, however, to the revision of the Supreme Court on appeal. Should the Chief Justice ever be impeached, some person specially commissioned by the King shall be President of the Court of Impeachment during such trial.

ARTICLE 69. The decisions of the Supreme Court, when made by a majority of the Justices thereof, shall be final and conclusive upon all parties.

ARTICLE 70. The King, His Cabinet, and the Legislature shall have authority to require the opinions of the Justices of the Supreme Court, upon important questions of law, and upon solemn occasions.

ARTICLE 71. The King appoints the Justices of the Supreme Court, and all other Judges of Courts of Record. Their salaries are fixed by law.

ARTICLE 72. No Judge or Magistrate shall sit alone on an appeal or new trial, in any case on which he may have given a previous judgment.

ARTICLE 73. The following persons shall not be permitted to register for voting, to vote, or to hold office under any department of the Government, or to sit in the Legislature, namely: Any person who is insane or an idiot, or any person who shall have been convicted of any of the following named offenses, viz: Arson, Barratry, Bribery, Burglary, Counterfeiting, Embezzlement, Felonious Branding of Cattle, Forgery, Gross Cheat, Incest, Kidnapping, Larceny, Malicious Burning, Manslaughter in the First Degree, Murder, Perjury, Rape, Robbery, Sodomy, Treason, Subornation of Perjury, and Malfesance in Office, unless he shall have been pardoned by the King and restored to his Civil Rights, and by the express terms of his pardon declared to be eligible to offices of Trust, Honor and Profit.

ARTICLE 74. No officer of this Government shall hold any office, or receive any salary from any other Government or Power whatever.

ARTICLE 75. The Legislature votes the Appropriations biennially, after due consideration of the revenue and expenditure

for the two preceding years, and the estimates of the revenue and expenditure of the two succeeding years, which shall be submitted to them by the Minister of Finance.

ARTICLE 76. The enacting style in making and passing all Acts and Laws shall be, "Be it enacted by the King, and the Legislature of the Hawaiian Kingdom."

ARTICLE 77. To avoid improper influences which may result from intermixing in one and the same Act, such things as have no proper relation to each other, every law shall embrace but one object, and that shall be expressed in its title.

ARTICLE 78. Wherever by this Constitution any Act is to be done or performed by the King or the Sovereign, it shall, unless otherwise expressed, mean that such Act shall be done and performed by the Sovereign by and with the advice and consent of the Cabinet.

ARTICLE 79. All laws now in force in this Kingdom, shall continue and remain in full effect, until altered or repealed by the Legislature; such parts only excepted as are repugnant to this Constitution. All laws heretofore enacted or that may hereafter be enacted, which are contrary to this Constitution, shall be null and void.

ARTICLE 80.—The Cabinet shall have power to make and publish all necessary rules and regulations for the holding of any election or elections under this Constitution, prior to the passage by the Legislature of appropriate laws for such purpose, and to provide for administering to officials, subjects and residents the oath to support this Constitution. The first election hereunder shall be held within ninety days after the promulgation of this Constitution, and the Legislature then elected may be convened at Honolulu upon the call of the Cabinet Council, in extraordinary session at such time as the Cabinet Council may deem necessary, thirty days notice thereof being previously given.

ARTICLE 81. This Constitution shall be in force from the 7th day of July, A. D. 1887, but that there may be no failure of justice, or inconvenience to the Kingdom, from any change, all officers of this Kingdom, at the time this Constitution shall take effect, shall have, hold, and exercise all the power to them granted. Such officers shall take an oath to support this Constitution, within sixty days after the promulgation thereof.

ARTICLE 82. Any amendment or amendments to this Constitution may be proposed in the Legislature, and if the same shall be agreed to by a majority of the members thereof, such proposed amendment or amendments shall be entered on its jour-

nal, with the yeas and nays taken thereon, and referred to the next Legislature; which proposed amendment or amendments shall be published for three months previous to the next election of Representatives and Nobles; and if in the next Legislature such proposed amendment or amendments shall be agreed to by two-thirds of all the members of the Legislature, such amendment or amendments shall become part of the Constitution of this Kingdom.

KALAKAUA REX.

By the King:

W. L. GREEN, Minister of Finance.

HONOLULU, }  
OAHU. } ss.

I, KALAKAUA, King of the Hawaiian Islands, in the presence of Almighty God, do solemnly swear to maintain this Constitution whole and inviolate, and to govern in conformity therewith.

KALAKAUA REX.

Subscribed and sworn to before me this sixth day of July,  
A. D. 1887.

A. F. JUDD,

Chief Justice of the Supreme Court, and Chancellor of the Kingdom.

# Proclamation and Orders.

## INCIDENT TO THE CHANGE FROM THE MONARCHY TO THE PROVISIONAL GOVERNMENT.

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PROCLAMATION OF THE COMMITTEE OF SAFETY, JANUARY 17, 1893.

In its earlier history Hawaii possessed a Constitutional Government honestly and economically administered in the public interest.

The Crown called to its assistance as advisers able, honest and conservative men whose integrity was unquestioned even by their political opponents.

The stability of the Government was assured; armed resistance and revolution unthought of, popular rights were respected, and the privileges of the subject from time to time increased and the prerogatives of the Sovereign diminished by the voluntary acts of the successive Kings.

With very few exceptions this state of affairs continued until the expiration of the first few years of the reign of His late Majesty Kalakaua. At this time a change was discernible in the spirit animating the chief executive and in the influences surrounding the Throne. A steadily increasing disposition was manifested on the part of the King, to extend the Royal prerogatives; to favor adventurers and persons of no character or standing in the community; to encroach upon the rights and privileges of the people by steadily increasing corruption of electors, and by means of the power and influence of office holders and other corrupt means to illegitimately influence the elections, resulting in the final absolute control of not only the executive and legislative; but to a certain extent the judicial departments of the government, in the interest of absolutism.

This finally resulted in the revulsion of feeling and popular uprising of 1887, which wrested from the King a large portion of his ill-gotten powers.

The leaders of this movement were not seeking personal aggrandizement, political power or the suppression of the native government. If this had been their object it could easily have been accomplished, for they had the absolute control of the situation.

Their object was to secure responsible government through a representative Cabinet, supported by and responsible to the people's elected representatives. A clause to this effect was inserted in the Constitution and subsequently enacted by law by the Legislature, specifically covering the ground that, in all matters concerning the State the Sovereign was to act by and with the advice of the Cabinet and only by and with such advice.

The King willingly agreed to such proposition, expressed regret for the past, and volunteered promises for the future.

Almost from the date of such agreement and promises, up to the time of his death, the history of the Government has been a continual struggle between the King on the one hand and the Cabinet and the Legislature on the other, the former constantly endeavoring by every available form of influence and evasion to ignore his promises and agreements and regain his lost powers.

This conflict upon several occasions came to a crisis, followed each time by submission on the part of His Majesty, by renewed expressions of regret and promises to abide by the constitutional and legal restrictions in the future. In each instance such promise was kept until a further opportunity presented itself, when the conflict was renewed in defiance and regardless of all previous pledges.

Upon the accession of Her Majesty Liliuokalani, for a brief period the hope prevailed that a new policy would be adopted. This hope was soon blasted by her immediately entering into conflict with the existing Cabinet, who held office with the approval of a large majority of the Legislature, resulting in the triumph of the Queen and the removal of the Cabinet. The appointment of a new Cabinet subservient to her wishes and their continuance in office until a recent date gave no opportunity for further indication of the policy which would be pursued by Her Majesty until the opening of the Legislature in May of 1892.

The recent history of that session has shown a stubborn determination on the part of Her Majesty to follow the tactics of her late brother, and in all possible ways to secure an extension of the royal prerogatives and an abridgment of popular rights.

During the latter part of the session, the Legislature was replete with corruption; bribery and other illegitimate influences were openly utilized to secure the desired end, resulting in the final complete overthrow of all opposition and the inauguration of a Cabinet arbitrarily selected by Her Majesty in complete

defiance of constitutional principles and popular representation.

Notwithstanding such result, the defeated party peacefully submitted to the situation.

Not content with her victory, Her Majesty proceeded on the last day of the session to arbitrarily arrogate to herself the right to promulgate a new Constitution, which proposed among other things to disfranchise over one-fourth of the voters and the owners of nine-tenths of the private property of the Kingdom, to abolish the elected upper House of the Legislature and to substitute in place thereof an appointive one to be appointed by the Sovereign.

The detailed history of this attempt and the succeeding events in connection therewith is given in the report of the Committee of Public Safety to the citizens of Honolulu, and the Resolution adopted at the Mass Meeting held on the 16th inst., the correctness of which report and the propriety of which resolution are hereby specifically affirmed.

The constitutional evolution indicated has slowly and steadily, though reluctantly, and regretfully, convinced an overwhelming majority of the conservative and responsible members of the community that independent, constitutional, representative and responsible government, able to protect itself from revolutionary uprisings and royal aggression is no longer possible in Hawaii under the existing system of Government.

Five uprisings or conspiracies against the Government have occurred within five years and seven months. It is firmly believed that the culminating revolutionary attempt of last Saturday will, unless radical measures are taken, wreck our already damaged credit abroad and precipitate to final ruin our already overstrained financial condition; and the guarantees of protection to life, liberty and property will steadily decrease and the political situation rapidly grow worse.

In this belief, and also in the firm belief that the action hereby taken is, and will be for the best personal, political and property interests of every citizen of the land;

We, citizens and residents of the Hawaiian Islands, organized and acting for the public safety and the common good, hereby proclaim as follows:

1. The Hawaiian Monarchical system of Government is hereby abrogated.
2. A Provisional Government for the control and management of public affairs and the protection of the public peace is

hereby established, to exist until terms of union with the United States of America have been negotiated and agreed upon.

3. Such Provisional Government shall consist of an Executive Council of Four Members, who are hereby declared to be

S. B. DOLE,  
J. A. KING,  
P. C. JONES,  
W. O. SMITH,

Who shall administer the Executive Departments of the Government, the first named acting as President and Chairman of such Council and administering the Department of Foreign Affairs, and the others severally administering the Department of Interior, Finance and Attorney-General, respectively, in the order in which they are above enumerated, according to existing Hawaiian Law as far as may be consistent with this Proclamation; and also of an Advisory Council, which shall consist of fourteen members, who are hereby declared to be

S. M. DAMON,  
A. BROWN,  
L. A. THURSTON,  
J. F. MORGAN,  
J. EMMELUTH,  
H. WATERHOUSE,  
J. A. McCANDLESS,  
E. D. TENNEY,  
F. W. McCHESNEY,  
F. WILHELM,  
W. R. CASTLE,  
W. G. ASHLEY,  
W. C. WILDER,  
C. BOLTE.

Such Advisory Council shall also have general legislative authority.

Such Executive and Advisory Councils shall, acting jointly, have power to remove any member of either Council and to fill such or any other vacancy.

4. All officers under the existing Government are hereby requested to continue to exercise their functions and perform the duties of their respective offices, with the exception of the following named persons:

QUEEN LILIUOKALANI,  
CHARLES B. WILSON, Marshal,

SAMUEL PARKER, Minister of Foreign Affairs,  
W. H. CORNWELL, Minister of Finance,  
JOHN F. COLBURN, Minister of the Interior,  
ARTHUR P. PETERSON, Attorney-General,

who are hereby removed from office.

5. All Hawaiian Laws and Constitutional principles not inconsistent herewith shall continue in force until further order of the Executive and Advisory Councils.

(Signed) HENRY E. COOPER, Chairman,  
ANDREW BROWN,  
THEODORE F. LANSING,  
JOHN EMMELUTH,  
C. BOLTE,  
ED SUHR,  
HENRY WATERHOUSE,  
W. C. WILDER,  
F. W. McCHESNEY,  
WM. O. SMITH,  
LORRIN A. THURSTON,  
WM. R. CASTLE,  
J. A. McCANDLESS,

*Committee of Safety.*

HONOLULU, H. I., January 17th, 1893.

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HONOLULU, H. I., Jan. 17, 1893.

# PROVISIONAL GOVERNMENT OF THE HAWAIIAN ISLANDS.

[Order No. 1.]

All persons favorable to the Provisional Government of the Hawaiian Islands are hereby requested to forthwith report to the Government at the Government Building to furnish the Government such arms and ammunition as they may have in their possession or control, as soon as possible, in order that efficient and complete protection to life and property and the public peace may immediately and efficiently be put into operation.

(Signed) SANFORD B. DOLE,  
J. A. KING,  
P. C. JONES,  
W. O. SMITH,



## PROCLAMATION OF 1893.

Executive Council of the Provisional Government of the Hawaiian Islands.

JOHN EMMELUTH,  
ANDREW BROWN,  
C. BOLTE,  
JAMES F. MORGAN,  
HENRY WATERHOUSE,  
S. M. DAMON,  
W. G. ASHLEY,  
E. D. TENNEY,  
F. W. MCCHESENEY,  
W. C. WILDER,  
J. A. MCCANDLESS,  
W. R. CASTLE,  
LORRIN A. THURSTON,  
F. J. WILHELM,

Advisory Council of the Provisional Government of the Hawaiian Islands.

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HONOLULU, H. I., Jan. 17, 1893.

PROVISIONAL GOVERNMENT OF THE HAWAIIAN  
ISLANDS.

[Order No. 2.]

It is hereby ordered and decreed that until further ordered, the right of the writ of habeas corpus is hereby suspended, and martial law is hereby declared to exist throughout the Island of Oahu.

SANFORD B. DOLE,  
Minister of Foreign Affairs.

J. A. KING,  
Minister of the Interior.

P. C. JONES,  
Minister of Finance.

WILLIAM O. SMITH,  
Attorney-General.

Executive Council of the Provisional Government of the Hawaiian Islands.

# Constitution of the Republic of Hawaii.

ADOPTED BY CONSTITUTIONAL CONVENTION, JULY 3RD, 1894.

## RIGHTS OF PERSON AND PROPERTY.

### ARTICLE 1.—RIGHTS OF THE PERSON.

SECTION 1. God hath endowed all men with certain inalienable Rights, among which are Life, Liberty and the Right of acquiring, possessing and protecting Property, and of pursuing and obtaining Happiness.

SECTION 2. The Government is conducted for the common good, and not for the profit, honor or private interest of any one man, family or class of men.

SECTION 3. The Legislature may provide by law, however, for the supervision, registration, control and identification of all persons, or any class or nationality of persons; and may also by law restrict and limit the term of residence, and the business or employment of all persons or of any class or nationality of persons coming into the Republic.

### ARTICLE 2.—RELIGIOUS FREEDOM.

All men are free to worship God according to the dictates of their own consciences; but this privilege shall not be so construed as to justify acts of licentiousness or practices inconsistent with the peace or safety of the Republic.

### ARTICLE 3.—FREEDOM OF SPEECH AND OF THE PRESS.

All men may freely speak, write and publish their sentiments on all subjects; and no law shall be enacted to restrain the liberty of speech or of the press; but all persons shall be responsible for the abuse of such right. Provided, however, that the Legislature may enact such laws as may be necessary, to restrain and prevent the publication or public utterance of indecent or seditious language.

## ARTICLE 4.—MEETING AND PETITION.

All men shall have the right to assemble in an orderly and peaceable manner, without arms, to consult upon the common good and to petition the President or Legislature for redress of grievances.

## ARTICLE 5.—WRIT OF HABEAS CORPUS.

The privilege of the Writ of Habeas Corpus belongs to all men, and shall not be suspended, except by the President or by one of the Cabinet Ministers as herein provided, when in case of rebellion or invasion, or imminent danger of rebellion or invasion, the public safety shall require its suspension.

Provided, however, that no alien unlawfully entering the Republic shall be entitled to this Writ as of right.

## ARTICLE 6.—RIGHT OF TRIAL.

SECTION 1. No person shall be subject to punishment for any offense except on due and legal conviction thereof by a tribunal having jurisdiction of the case.

SECTION 2. Except in case of impeachment or offenses within the jurisdiction of a district magistrate, or in summary proceedings for contempt, no person shall be held to answer for any offense except upon indictment, information or complaint, describing such offense; and he shall in all cases have the right to meet the witnesses who are produced against him, face to face; to produce witnesses and proofs in his own favor; and by himself or his counsel, at his election, to examine the witnesses produced by himself and cross-examine those produced against him, and to be heard in his own defense.

SECTION 3. Subject to such changes as the Legislature may from time to time make in the number of jurors for the trial of any case, and concerning the number required to agree to a verdict and the manner in which the jury may be selected and drawn, and the composition and qualifications thereof, the right of trial by jury in all cases in which it has been heretofore used, shall remain inviolable except in actions for debt or assumpsit in which the amount claimed does not exceed one hundred dollars, and such offenses less than felonies as may be designated by law. And provided that no capital case shall be tried by a jury of less than twelve men.

The jury may be waived in all civil cases under such conditions as may be prescribed by law, and by defendants in all criminal cases except capital.

ARTICLE 7.—PREVIOUS CONVICTION OR ACQUITTAL.

No person shall be required to answer for any offense identical both in law and fact with an offense of which he has been duly convicted or of which he has been duly acquitted.

ARTICLE 8.—PRIVILEGE OF ACCUSED.

No person shall be compelled in any criminal case to be a witness against himself; nor be deprived of life, liberty or property, without due process of law.

ARTICLE 9.—SLAVERY.

Involuntary servitude, except for crime, is forever prohibited in this Republic. Whenever a slave shall enter the Territory of this Republic he shall be free.

ARTICLE 10.—SECURITY FROM SEARCH AND ARREST.

Every person has the right to be secure from all unreasonable searches and seizures of his person, his house, his papers and effects; and no warrant shall issue, except on probable cause, supported by oath or affirmation and describing the place to be searched and the persons or things to be seized.

ARTICLE 11.—TAXING AND APPROPRIATING POWER.

SECTION 1. No Subsidy, Duty or Tax, of any description, shall be established or levied without the consent of the Legislature; nor shall any money be drawn from the Public Treasury without such consent, except in the manner directed by this Constitution.

SECTION 2. Each member of society has the right to be protected in the enjoyment of his life, liberty and property, according to law; and therefore, he shall be obliged to contribute his proportion or share to the expense of this protection; and to give his personal services, or an equivalent when necessary, as may be provided by law.

## ARTICLE 12.—EMINENT DOMAIN.

Private property may be taken for public use, and private rights of way may be obtained across the lands of others for railways, drains, flumes, water-pipes and ditches for agricultural, milling, manufacturing, mining, domestic or sanitary purposes; but only upon due process of law and just compensation.

Public use shall include such purposes as shall be required or designated by treaty stipulations between the Republic of Hawaii and any other nation.

## ARTICLE 13.—MILITARY SUBJECT TO LAW.

SECTION 1. The Military shall always be subject to the laws of the land.

SECTION 2. No soldier shall, in time of peace, be quartered in any house without the consent of the owner; nor in time of war, but in a manner prescribed by the Legislature.

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THE REPUBLIC.

## ARTICLE 14.—FORM AND NAME OF GOVERNMENT.

The Government hereby instituted is a Republic under the terms and conditions of this Constitution.

The name of this Government is, and shall be, the Republic of Hawaii.

## ARTICLE 15.—TERRITORY.

The Territory of the Republic of Hawaii shall be that heretofore constituting the Kingdom of the Hawaiian Islands, and the territory ruled over by the Provisional Government of Hawaii, or which may hereafter be added to the Republic.

## ARTICLE 16.—ENSIGN.

The Ensign heretofore in use as the Hawaiian National Ensign, shall continue to be the National Ensign of the Republic of Hawaii.

## ARTICLE 17.—CITIZENSHIP.

SECTION 1. All persons born or naturalized in the Hawaiian Islands, and subject to the jurisdiction of the Republic, are citizens thereof.

## SPECIAL RIGHTS OF CITIZENSHIP.

SECTION 2. Any person not a Hawaiian citizen, who took active part, or otherwise rendered substantial service in the formation of, and has since supported the Provisional Government of Hawaii, who shall within six months from the promulgation of this Constitution procure from the Minister of the Interior a certificate of such service, as herein set forth; and who shall take an oath to support this Constitution and the laws of the Republic so long as he shall remain domiciled in the Republic, shall be entitled to all the privileges of citizenship without thereby prejudicing his native citizenship or allegiance.

SECTION 3. For the purpose of identifying the person entitled to such certificate, the Minister of the Interior shall appoint such number of examiners as he may deem best, to receive applications and take evidence upon such subject.

Such examiners shall certify to the said Minister a description of each person found to be entitled to such certificate, which description shall include the name, age, country of birth, occupation, length of residence in Hawaii and present residence.

SECTION 4. It shall be in the discretion of the Minister of the Interior to reverse the decision of any such examiner and issue a certificate to any person in his opinion entitled thereto; and to refuse to issue a certificate to any person, who, in his opinion, is not entitled thereto.

The decision of the Minister shall be final, and not subject to appeal or review.

SECTION 5. Any person to whom such certificate shall be granted shall be admitted, upon application, to naturalization, without showing any further qualifications.

## ARTICLE 18.—NATURALIZATION.

SECTION 1. The Naturalization of Aliens shall be exclusively within the jurisdiction of the Justices of the Supreme Court.

The procedure shall be such as may be provided by law.

SECTION 2. An alien may be admitted to citizenship upon the following conditions, viz:

1. He shall have resided in the Hawaiian Islands for not less than two years.

2. He must intend to become a permanent citizen of the Republic.

3. He shall be able understandingly to read, write and speak the English language.

4. He shall be able intelligently to explain, in his own words, in the English language, the general meaning and intent of any article or articles of this Constitution.

5. He shall be a citizen or subject of a country having express treaty stipulations with the Republic of Hawaii concerning naturalization.

6. He shall be of good moral character and not a refugee from justice.

7. He shall be engaged in some lawful business or employment or have some other lawful means of support.

8. He shall be the owner in his own right of property in the Republic of the value of not less than Two Hundred Dollars over and above all encumbrances.

9. He shall have taken the oath prescribed in Article 101 of this Constitution and an oath abjuring allegiance to the Government of his native land or that under which he has heretofore been naturalized, and of allegiance to the Republic of Hawaii.

10. He shall make written application, verified by oath, to a Justice of the Supreme Court, setting forth his possession of and compliance with all of the foregoing qualifications and requirements, and shall prove the same to the satisfaction of such Justice.

#### ARTICLE 19.—DENIZATION.

SECTION 1. Letters of Denization of the following classes may be granted by the Executive Council:

1. Letters conferring all of the privileges of citizenship, except the right to vote, which may be granted to any person.

2. Special Letters conferring all of the rights of citizenship including the right to vote, which shall be granted only to persons eligible to become naturalized; provided however that the conditions of intention to become a permanent citizen, of an oath abjuring allegiance to the Government of his native

land, of an oath of allegiance to the Republic and of application to the Supreme Court shall not be required; and provided further that the condition of being a citizen or subject of a country having treaty relations with this Republic concerning naturalization shall not apply to persons who have resided in the Hawaiian Islands for a period of seven years or more prior to the date of the promulgation of this Constitution, and who may apply for Letters of Denization within five years from such promulgation.

SECTION 2. Every person receiving letters of denization shall take the oath prescribed in Article 101 of this Constitution and shall thereupon be subject to all the duties and obligations of a citizen.

SECTION 3. All Letters of Denization heretofore granted are hereby revoked.

ARTICLE 20.—DIVISION OF POWERS OF GOVERNMENT.

The Supreme Power of the Republic is divided into the Executive, Legislative and Judicial. Except as herein provided, these shall be preserved distinct.

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THE EXECUTIVE POWER.

ARTICLE 21.—EXECUTIVE COUNCIL.

SECTION 1. The Executive Power of the Republic shall be vested in a President and Cabinet.

SECTION 2. The Cabinet shall consist of a Minister of Foreign Affairs; a Minister of the Interior; a Minister of Finance and an Attorney General.

SECTION 3. The President and Cabinet sitting together shall constitute the Executive Council.

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THE PRESIDENT.

ARTICLE 22.—QUALIFICATIONS OF PRESIDENT.

In order to be eligible to the office of President, a person shall:

Be not less than thirty-five years of age;



Have been born in the Hawaiian Islands or resided therein for not less than fifteen years;  
And be a citizen of the Republic.

ARTICLE 23.—FIRST PRESIDENT.

Sanford Ballard Dole is hereby declared to be the President of the Republic of Hawaii, to hold office until and including the 31st day of December, 1900, and thereafter until a successor shall have been duly elected and qualified.

ARTICLE 24.—ELECTION OF PRESIDENT.

SECTION 1. On the third Wednesday of September, 1900, and on the third Wednesday of September in every sixth year thereafter, the Legislature shall meet to elect a President for a term of six years to begin with the first day of January of the year following.

SECTION 2. For the purposes of such election the Senate and the House of Representatives shall sit together.

The election shall be by ballot and the person receiving a majority vote of all the elective members to which the Legislature is entitled, which majority shall include a majority of all the Senators, shall be President for the succeeding term; or for the unexpired portion of such term in case no person shall have been elected prior to the first day of such term.

SECTION 3. If the Legislature shall fail to elect a President before the first day of January following the date when the Legislature is required to meet for such election, the President whose term has then expired or the Minister who is acting as President shall continue to be or act as President until his successor is elected and qualified; but such failure to elect shall in no case discharge the Legislature from their duty to immediately proceed with such election.

SECTION 4. No President shall be eligible for reelection for the term immediately following that for which he was elected.

ARTICLE 25.—SALARY OF PRESIDENT.

The President shall, at stated times, receive for his services a compensation, which shall neither be increased nor diminished during the period for which he shall have been elected, and he shall not receive within that period any other emolument from the Republic.

## ARTICLE 26.—POWER OF APPOINTMENT.

SECTION 1. The President, with the approval of the Senate, shall appoint the members of the Cabinet; the Judges of the Supreme and Circuit Courts; the Auditor General and all Diplomatic and Consular Representatives to foreign countries; and until the end of the first session of the Senate, the appointees of the President shall act.

SECTION 2. In case a vacancy in any such office shall occur while the Senate is not in session, the President may fill such vacancy by granting a commission which shall, unless confirmed, expire at the end of the next session of the Senate.

SECTION 3. In case of the absence from the seat of Government or temporary disability of any member of the Cabinet, the President may appoint one of the remaining members of the Cabinet to temporarily perform the duties of the member so absent or disabled.

No such ad interim appointment shall, however, be valid for more than sixty days from the date of the appointment.

SECTION 4. The President shall also with the approval of the Cabinet, appoint the members of the Board of Health; Board of Education; Board of Immigration; Board of Prison Inspectors and any other Boards of a Public character which may be created by law; and the District Magistrates.

SECTION 5. The President shall have the appointment and removal of all officers of the Government, whose appointment or removal is not otherwise provided for.

## ARTICLE 27.—POWER OF REMOVAL.

The President shall have the power, with the approval of the Cabinet, to remove any of the officers enumerated in the last Article, except the Auditor General, and the District Magistrates, who shall be removable as provided by law; and except the Judges of the Supreme and Circuit Courts, who shall be removable only as herein prescribed; and except the members of the Cabinet, who shall be removable only by the President with the consent of the Senate. The President with the approval of three members of the Cabinet may remove any member of the Cabinet.

## ARTICLE 28.—CONVENING THE LEGISLATURE.

The President may convene the Legislature or the Senate alone, in special session, and in case the seat of government shall be insecure from an enemy, riot, or insurrection or any dangerous disorder, direct that any regular or special session shall be held at some other than the regular meeting place.

## ARTICLE 29.—RECEIVING FOREIGN REPRESENTATIVES.

The President shall receive and acknowledge all Diplomatic Representatives accredited to the Republic by other Governments.

## ARTICLE 30.—MESSAGES TO THE LEGISLATURE.

The President shall, upon the meeting of the Legislature, and at such other times as he may deem proper, inform such body, by message in writing, as to the condition of the Republic; or concerning other matters of public interest; and recommend the consideration of such measures as to him shall seem best.

## ARTICLE 31.—MARTIAL LAW—SUSPENSION OF HABEAS CORPUS.

The President, or one of the Cabinet Ministers as herein provided, may, in case of rebellion or invasion, or imminent danger of rebellion or invasion, when the public safety requires it, suspend the privilege of the writ of habeas corpus or place the whole or any part of the Republic under martial law.

## ARTICLE 32.—TREATIES.

The President, with the approval of the Cabinet, shall have the power to make Treaties with Foreign Governments, subject to the ratification of the Senate.

The President, with the approval of the Cabinet, is hereby expressly authorized and empowered to make a Treaty of Political or Commercial Union between the Republic of Hawaii and the United States of America, subject to the ratification of the Senate.

## ARTICLE 33.—COMMANDER-IN-CHIEF.

The President is the Commander-in-Chief of all the Military Forces of the Republic.

## THE CABINET.

## ARTICLE 34.—COUNSELLORS OF THE PRESIDENT.

The Cabinet shall be the special counsellors of the President and shall be consulted by him concerning all matters of public policy, appointments to office, and other matters of importance concerning which action is contemplated.

The President shall not be bound to follow the advice of the Cabinet, except in the instances where, by this Constitution, the approval of the Cabinet is required as a prerequisite for his action.

## ARTICLE 35.—REPORTS—RESPONSIBILITY—POWERS OF APPOINTMENT AND REMOVAL.

SECTION 1. Each member of the Cabinet shall keep an office at the seat of Government, and shall, not later than the last Wednesday in February in each year, present to the President a full report of the principal transactions within his department during the year ending December thirty-first last preceding, together with such recommendations as he may think proper.

He shall also at any time, when requested in writing by the President, report to him on any subject within the scope of his authority.

SECTION 2. The members of the Cabinet shall be responsible for the conduct of their respective Departments; and, with the approval of the President, shall have the appointment and removal of the following heads of Bureaus, under their respective Departments, viz:

The Superintendent of Public Works; the Surveyor General; the Registrar of Conveyances; the Superintendent of the Honolulu Water Works; the Marshal; the Collector General of Customs; the Tax Assessors in Chief and the Post Master General, and also the heads of any other Bureaus created by law.

SECTION 3. Each head of a Bureau shall be responsible for the conduct of his Bureau, and shall have the appointment and removal of the officers under him, subject to the approval of the Minister in whose Department he is employed.

SECTION 4. The financial responsibility of any officer of the Government, for his own conduct, or that of his subordinates, shall be determined by law.

ARTICLE 36.—ACTING PRESIDENT IN CASE OF DEATH, DISABILITY OR ABSENCE OF PRESIDENT.

SECTION 1. In case of the temporary disability or absence from the Country of the President, the Minister of Foreign Affairs, while such disability or absence continues, shall act as President; or,

In case of the disability or absence from the country of such Minister, the Minister of the Interior, while such disability or absence of the President continues, shall act as President; or

In case of the disability or absence of both such Ministers, the Minister of Finance, while such disability or absence of the President continues, shall act as President; or,

In case of the disability or absence from the Country of the three Ministers aforesaid, then the Attorney General, while such disability or absence of the President continues, shall act as President.

SECTION 2. In case of the death, resignation, removal or permanent disability of the President, the Minister of Foreign Affairs shall thereupon act as President until a successor to the President is elected in the manner herein designated; or,

In case of the disability or absence from the Country of such Minister, the Minister of the Interior shall act as President for the time aforesaid; or,

In case of the disability or absence from the Country of both such Ministers, the Minister of Finance shall act as President for the time aforesaid; or,

In case of the disability or absence from the Country of the three Ministers aforesaid, the Attorney General shall act as President for the time aforesaid.

SECTION 3. If at any time during the absence of the President or acting President from the seat of Government, an occasion shall arise requiring a declaration of martial law, or suspension of the writ of habeas corpus, the powers in and concerning such matters herein granted to the President, may be exercised by one of the Cabinet Ministers, who shall act in order of priority and in the manner named in Section 2 of this Article.

SECTION 4. In case of the death, resignation, removal or permanent disability of the President, before six months prior to the expiration of his term, the Minister who shall thereupon act as President, shall, unless the Legislature is in session, immediately summon a special session of the Legislature to meet within thirty days, to elect a President to fill the unexpired

term of the President who has died, resigned, been removed or become permanently disabled.

SECTION 5. In case any Minister shall act as President as herein provided, he shall, while so acting, have all the rights and powers and be subject to all the duties and obligations by this Constitution granted to or prescribed for the President.

ARTICLE 37.—EX-OFFICIO MEMBERS OF THE LEGISLATURE.

The members of the Cabinet shall be ex-officio members of both Houses of the Legislature, with all the rights, powers and privileges of elected members, except the right to vote.

THE LEGISLATIVE POWER.

ARTICLE 38.—THE LEGISLATURE.

SECTION 1. The Legislative Power of the Republic is vested in a Legislature, and, subject to the limitations herein provided, a Council of State.

The Legislature shall consist of two Houses, styled the Senate and the House of Representatives, which shall organize and sit separately, except as otherwise herein provided.

The two Houses shall be styled "The Legislature of the Republic of Hawaii."

SECTION 2. No person shall sit as a Senator or Representative in the Legislature, unless elected under and in conformity with this Constitution.

ARTICLE 39.—GENERAL ELECTIONS.

SECTION 1. A General Election shall be held on the last Wednesday of September, 1897, and General Elections shall be held on the last Wednesday in September every two years thereafter.

SECTION 2. If from any cause a general election shall not be held at the appointed time the Minister of the Interior shall without unnecessary delay, appoint another time for the holding of such election.

And the election so held upon such appointment shall be deemed to be a general election.

**ARTICLE 40.—SUPREME COURT JUDGE OF QUALIFICATIONS OF MEMBERS.**

In case any election to a seat in either House is disputed, and legally contested, the Supreme Court shall be the sole judge of whether or not a legal election for such seat has been held; and, if it shall find that a legal election has been held, it shall be the sole judge of who has been elected.

**ARTICLE 41.—BURDEN OF PROOF OF ELIGIBILITY.**

In case the eligibility of any person to be a Senator or Representative, or an elector of Senators or Representatives, is questioned by any legal voter, before any court or tribunal having authority to consider such matter, the burden of proof shall rest upon the person whose eligibility is so questioned to establish his eligibility.

The unsupported statement or oath of the person whose eligibility is so questioned shall not be deemed sufficient to shift the burden of proof; but he shall show by other evidence, to the satisfaction of the Court or tribunal, that he is eligible.

**ARTICLE 42.—DISQUALIFICATIONS OF LEGISLATORS.**

No member of the Legislature shall, during the term for which he is elected, be appointed or elected to any office of the Government except that of President, Cabinet Minister, Justice of the Supreme Court, or member of the Council of State.

**ARTICLE 43.—DISQUALIFICATIONS OF GOVERNMENT OFFICERS AND EMPLOYEES.**

Except members of the Council of State, no person holding office in, or under, or by authority of the Government, including Notaries Public and Agents to take Acknowledgements, nor any employee of the Government, shall be eligible to election to the Legislature or to hold the position of an elected member of the same.

**ARTICLE 44.—DISQUALIFICATION OF CERTAIN CLASSES.**

No idiot or insane person, and no person who shall be expelled from the Legislature for giving or receiving bribes, or being ac-

cessory thereto; and no person who in due course of law shall have been convicted of larceny, bribery, gross cheat, or of any criminal offense punishable by imprisonment, whether with or without hard labor, for a term exceeding two years, whether with or without fine, shall register to vote or shall vote or hold any office in or under or by authority of the Government, unless the person so convicted shall have been pardoned and restored to his civil rights.

ARTICLE 45.—OATH OF OFFICE.

Every elective member of the Legislature shall take the following oath or affirmation:

I solemnly swear (or affirm) in the presence of Almighty God, that I will faithfully support the Constitution and laws of the Republic of Hawaii; and conscientiously and impartially discharge my duties as a member of the Legislature.

ARTICLE 46.—OFFICERS AND RULES.

The Senate and the House of Representatives shall each choose its own officers, determine the rules of its own proceedings, not inconsistent with this Constitution, and keep a journal.

ARTICLE 47.—AYES AND NOES.

The ayes and noes of the members on any question shall, at the desire of one-third of the members present, be entered on the journal.

ARTICLE 48.—QUORUM.

SECTION 1. A majority of the number of elective members to which each House is entitled, shall constitute a quorum of such House for the conduct of ordinary business, of which quorum a majority vote shall suffice. But the final passage of a law in each House shall require the vote of a majority of all the members to which such House is entitled.

SECTION 2. A smaller number than a quorum may adjourn from day to day, and compel the attendance of absent members in such manner and under such penalties as each House may provide.



SECTION 3. For the purpose of ascertaining whether there is a quorum present, the chairman shall count the number of members present.

ARTICLE 49.—PUNISHMENT OF PERSONS NOT MEMBERS.

Each House may punish by fine, or by imprisonment not exceeding thirty days, any person not a member of either House, who shall be guilty of disrespect of such House by any disorderly or contemptuous behavior in its presence; or,

Who shall publish any false report of its proceedings; or,

Who shall, on account of the exercise of any legislative function, threaten harm to the body or estate of any of the members of such House; or,

Who shall assault, arrest or detain any witness or other person ordered to attend such House, on his way going to or returning therefrom; or,

Who shall rescue any person arrested by order of such House.

But the person charged with the offense shall be informed, in writing, of the charge made against him, and have an opportunity to present evidence and be heard in his own defense.

ARTICLE 50.—COMPENSATION OF MEMBERS.

The Members of the Legislature shall receive for their services, in addition to mileage at the rate of ten cents a mile each way, the sum of Four Hundred Dollars for each regular session of the Legislature, payable in three equal installments on and after the first, thirtieth and sixtieth days of the session; and the sum of Two Hundred Dollars for each extra session of the Legislature, except a session for the sole purpose of electing a President, for which members shall receive mileage only.

ARTICLE 51.—PUNISHMENT OF MEMBERS.

Each House may punish its own members for disorderly behavior or neglect of duty, by censure, suspension or expulsion.

ARTICLE 52.—EXEMPTION FROM LIABILITY.

No member of the Legislature shall be held to answer for any words uttered in the exercise of his legislative functions in either House, before any other tribunal.

ARTICLE 53.—EXEMPTION FROM ARREST.

The members of the Legislature shall, in all cases except treason, felony or breach of the peace, be privileged from arrest during their attendance at the sessions of the respective Houses; and in going to and returning from the same. Provided that such privilege as to going and returning shall not cover a period of over ten days each way.

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THE SENATE.

ARTICLE 54.—NUMBER OF MEMBERS.

SECTION 1. The Senate shall be composed of fifteen members. The Senators to be elected at the first election held under this Constitution, shall hold office until the general election held in the year 1899.

ELECTIONS.

SECTION 2. Senators shall be elected at the general election to be held on the last Wednesday of September, 1899, in three classes to hold office for two, four and six years respectively, and thereafter in terms of six years. The details of such election and apportionment of terms shall be provided for by the Legislature.

VACANCIES.

SECTION 3. Vacancies caused by death, resignation or otherwise, shall be filled for the unexpired term at special elections.

ARTICLE 55.—SENATORIAL DISTRICTS.

SECTION 1. <sup>z</sup> For the purpose of representation in the Senate, until otherwise provided by law, the Republic is divided into the following Senatorial Districts, viz:

First District; the Island of Hawaii.

Second District; the Islands of Maui, Molokai, Lanai and Kahoolawe.

Third District; the Island of Oahu.

Fourth District; the Islands of Kauai and Niihau.

SECTION 2. The electors in the said districts shall be entitled to elect Senators as follows:

In the First District, four;  
In the Second District, three;  
In the Third District, six;  
In the Fourth District, two.

#### ARTICLE 56.—QUALIFICATIONS OF SENATORS.

In order to be eligible to election as a Senator, a person shall:

Be a male citizen of the Republic;  
Have attained the age of thirty years;  
Be able understandingly to speak, read and write the English or the Hawaiian language.

Have resided in the Hawaiian Islands not less than three years;

Be the owner, in his own right, of property in the Republic of the value of not less than Three Thousand Dollars over and above all encumbrances; or have been in receipt of a money income of not less than Twelve Hundred Dollars during the year immediately preceding the date of the election, for the proof of which he may be required to produce original accounts of the receipt of such income.

#### THE HOUSE OF REPRESENTATIVES.

##### ARTICLE 57.—NUMBER OF REPRESENTATIVES.

SECTION 1. The House of Representatives shall be composed of fifteen members, elected, except as herein provided, every second year.

##### TERM OF OFFICE.

SECTION 2. The term of office of the Representatives elected at the first election held under this Constitution shall extend to the last Wednesday in September, 1897, and the term of those thereafter elected at general or special elections, shall be until the next general election held thereafter.

##### VACANCIES.

SECTION 3. Vacancies caused by death, resignation or otherwise, shall be filled for the unexpired term at special elections.

REPRESENTATIVE DISTRICTS.

SECTION 4. For the purpose of representation in the House of Representatives, until otherwise provided by law, the Republic is divided into the following Representative Districts, viz:

First District; that portion of the Island of Hawaii known as Puna, Hilo and Hamakua.

Second District; that portion of the Island of Hawaii known as Kau, Kona and Kohala.

Third District; the Islands of Maui, Molokai, Lanai and Kihoolawe.

Fourth District; that portion of the Island of Oahu lying east and south of Nuuanu street, and a line drawn in extension thereof from the Nuuanu Pali to Mokapu point.

Fifth District; that portion of the Island of Oahu lying west and north of the Fourth District.

Sixth District; the Islands of Kauai and Niihau.

APPORTIONMENT.

SECTION 5. The electors in the said districts shall be entitled to elect Representatives as follows:

In the First District, two;

In the Second District, two;

In the Third District, three;

In the Fourth District, three;

In the Fifth District, three;

In the Sixth District, two.

ARTICLE 58.—QUALIFICATIONS OF REPRESENTATIVES.

In order to be eligible to be a member of the House of Representatives, a person shall, at the time of election:

Have attained the age of twenty five years;

Be a male citizen of the Republic;

Be able understandingly to read, write and speak the English or Hawaiian language;

Have resided in this country not less than three years;

And shall either own property in the Republic worth not less than One Thousand Dollars over and above all encumbrances, or have received a money income of not less than Six Hundred Dollars during the twelve months immediately preceding the date of election.

## LEGISLATION.

## ARTICLE 59.

The Legislature has the power to enact wholesome laws not inconsistent with this Constitution.

## ARTICLE 60.—SESSIONS OF THE LEGISLATURE.

SECTION 1. The first regular session of the Legislature shall be held on the third Wednesday in February, 1896, and biennially thereafter, in Honolulu.

SECTION 2. Neither House shall adjourn, during any session, for more than three days, or sine die, without the consent of the other.

SECTION 3. If either House shall so adjourn without the consent of the other, the other House may proceed to legislate as though it were the sole legislative body, and may exercise the full powers of the Legislature.

SECTION 4. Each session of the Legislature shall continue not longer than ninety days, excluding Sundays and holidays.

Provided, however, that the President, with the approval of the Cabinet, may extend such session for not more than thirty days.

SECTION 5. Special sessions of the Legislature shall be held at such times as may be indicated by the President in manner herein provided; or upon the call of the Presiding Officer of the Senate, when requested in writing so to do by two-thirds of the members of the Senate; or at such other times as are herein specially provided.

## ARTICLE 61.—ENACTING CLAUSE.

The Enacting Clause of all Laws shall be, "Be it enacted by the Legislature of the Republic of Hawaii."

## ARTICLE 62.—INTRODUCTION OF BILLS.

No bill shall be introduced into either House by any member of such House, unless it shall have first received thereon the written endorsement of three members of such House.

ARTICLE 63.—TITLE OF LAWS.

Each Law shall embrace but one Subject, which shall be expressed in its Title.

The Title of a Law amending or repealing another law shall refer to the section or chapter of the law amended or repealed, and to the subject-matter involved.

ARTICLE 64.—READINGS OF BILLS.

A Bill, in order to become law, shall, except as herein provided, pass three readings in each House, the final passage of which in each House, shall be by a majority vote of all the elective members to which such House is entitled, taken by ayes and noes and entered upon its journal.

ARTICLE 65.—CERTIFICATION OF BILLS FROM ONE HOUSE TO THE OTHER.

Every Bill when passed by the House in which it originated, or in which amendments thereto shall have originated, shall immediately be certified by the Chairman and Clerk and sent to the other House for consideration.

ARTICLE 66.—SIGNING BILLS.

Except as herein provided, all Bills passed by the Legislature shall, in order to be valid, be signed by the President.

ARTICLE 67.—VETO OF PRESIDENT.

Every Bill which shall have passed the Legislature shall be certified by the Chairman and Clerk of the House last considering it, and shall thereupon be presented to the President. If he approves it, he shall sign it and it shall become a law. If the President does not approve such bill, he may return it, with his objections, to the Legislature.

He may veto any specific item or items in any bill which appropriates money for specific purposes; but shall veto other bills, if at all, only as a whole.

## ARTICLE 68.—PROCEDURE UPON RECEIPT OF VETO.

Upon the receipt of a veto message from the President, each House of the Legislature shall enter the same at large upon its journal, and proceed to reconsider such bill, or part of a bill, and again vote upon it by ayes and noes, which shall be entered upon its journal.

If, after such reconsideration, such bill, or part of a bill, shall be approved by a two-thirds vote of all the elective members to which each House is entitled, it shall thereby become law.

## ARTICLE 69.—FAILURE TO SIGN OR VETO.

If the President neither signs nor vetoes a bill within ten days after it is delivered to him, it shall become law without his signature, unless the Legislature adjourns sine die prior to the expiration of such ten days.

In computing such period of ten days, Sundays, holidays recognized by the laws of the Republic, and the day upon which the bill is delivered to the President shall be excluded.

## ARTICLE 70.—APPROPRIATIONS.

SECTION 1. Appropriations, except as otherwise herein provided, shall be made biennially by the Legislature.

SECTION 2. The Minister of Finance shall submit to the Senate, at each regular session of the Legislature, Appropriation Bills for the succeeding biennial period.

SECTION 3. No Appropriation Bill or bill providing for a national loan shall be introduced by any one except a member of the Cabinet.

Provided, however, that any member may introduce a bill amending the permanent appropriation bill for salaries and pay rolls herein provided for.

SECTION 4. In case of a failure of the Legislature to pass appropriation bills providing for payments of the necessary current expenses of carrying on the Government, and meeting its legal obligations, the Minister of Finance may, with the advice of the Executive Council, make such payments for and during the new biennial period, for which purpose the sums appropriated in the last appropriation bill shall be deemed to have been re-appropriated.

SECTION 5. The appropriation bill for salaries and pay rolls shall be a permanent one, and the items and amounts therein enumerated, and such salaries and pay rolls as may hereafter be incorporated therein, shall continue, until stricken out or amended, to be the basis for payment in future, and shall not be required to be reappropriated from time to time.

SECTION 6. The appropriation bill for salaries and pay rolls passed on the 26th day of April, 1894, shall continue in force, and be the permanent appropriation bill for the purposes therein set forth, subject to such amendments and additions thereto, as may from time to time be made by the Legislature.

#### ARTICLE 71.—RETROSPECTIVE LAWS.

Except as herein provided, no Retrospective Law shall ever be enacted.

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### ELECTIONS.

#### ARTICLE 72.—EXEMPTION OF ELECTORS ON ELECTION DAY.

SECTION 1. Every Elector shall be privileged from arrest on election day, during his attendance at election, and in going to and returning therefrom, except in case of breach of the peace then committed, or in case of treason or felony.

SECTION 2. No elector shall be so obliged to perform military duty on the day of election, as to prevent his voting, except in time of war or public danger, or in case of absence from his place of residence in actual military service, in which case provision may be made by law for taking his vote.

#### ARTICLE 73.—METHOD OF VOTING FOR REPRESENTATIVES.

Each voter for Representatives may cast as many votes as there are representatives to be elected from the Representative District in which he is entitled to vote. He may cast them all for one Representative, or may apportion them among the several Representatives in such manner as he sees fit; provided, however, that any fractional division of a vote other than one-half shall be void.



The required number of candidates receiving the highest number of votes in the respective Representative Districts shall be the Representatives for such Districts.

ARTICLE 74.—QUALIFICATIONS OF VOTERS FOR REPRESENTATIVES.

In order to be eligible to vote for Representatives, a person shall:

1. Be a male citizen of the Republic; and if naturalized prior to January 17th, 1893, be a native of a country having, or having had, treaty relations with Hawaii; or,

Have received special letters of denization entitling him to all the privileges of Hawaiian citizenship; or,

Have received from the Minister of the Interior the Certificate of Service herein provided for;

2. Have resided in the Representative District in which he offers to register, not less than one month immediately preceding the time at which he offers to register;

3. Have attained the age of twenty years;

4. Have taken and subscribed the oath set forth in Article 101 of this Constitution;

5. Prior to each regular election, during the time prescribed by law for registration, have caused his name to be entered on the Register of Voters for Representatives for his district;

6. Prior to such registration have paid, on or before the first day of January next preceding the date of registration, all taxes due by him to the Government. Provided, however, that for the registration for the first election held under the provisions herein, taxes may be paid at any time prior to the application for registration;

7. Be able understandingly to speak, read and write the English or Hawaiian language.

In order to comply with this requirement, he shall be able to read and write, with ordinary fluency, any section or sections of this Constitution.

Provided, however, that the requirement that he shall be able understandingly to speak, read and write the English or Hawaiian language, shall not apply to those persons who shall obtain the certificate of service as provided for in Article 17.

## ARTICLE 75.—METHOD OF VOTING FOR SENATORS.

Each voter for Senators may cast one vote only for each Senator to be elected from the Senatorial District in which he is entitled to vote.

The required number of candidates receiving the highest number of votes in the respective Senatorial Districts shall be the Senators for such District.

## ARTICLE 76.—QUALIFICATIONS OF VOTERS FOR SENATORS.

In order to be eligible to vote for Senators, a person must possess all the qualifications and be subject to all the conditions required by this Constitution of voters for Representatives, and, in addition thereto, he shall own and be possessed in his own right, of real property in the Republic of the value of not less than Fifteen Hundred Dollars over and above all encumbrances, and upon which legal taxes shall have been paid on that valuation for the year next preceding the one in which such person offers to register; or personal property of the value of not less than Three Thousand Dollars over and above all encumbrances; or shall have actually received a money income of not less than Six Hundred Dollars during the year next preceding the first day of April next preceding the date of each registration; for the proof of which he may be required to produce original accounts of the receipt of such income.

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## REGISTRATION OF VOTERS.

## ARTICLE 77.

SECTION 1. No person shall vote for the election of Representatives or Senators unless he is qualified as herein required, and unless his name is entered by a Board of Registration upon the Register of Voters as herein provided.

## REGISTRATION BOARDS.

SECTION 2. For the purpose of examining applicants for registration as voters and determining their eligibility, there shall be five Boards of Registration, one for that portion of the

SECTION 2. An alien may be admitted to citizenship upon the following conditions, viz:

1. He shall have resided in the Hawaiian Islands for not less than two years.

2. He must intend to become a permanent citizen of the Republic.

3. He shall be able understandingly to read, write and speak the English language.

4. He shall be able intelligently to explain, in his own words, in the English language, the general meaning and intent of any article or articles of this Constitution.

5. He shall be a citizen or subject of a country having express treaty stipulations with the Republic of Hawaii concerning naturalization.

6. He shall be of good moral character and not a refugee from justice.

7. He shall be engaged in some lawful business or employment or have some other lawful means of support.

8. He shall be the owner in his own right of property in the Republic of the value of not less than Two Hundred Dollars over and above all encumbrances.

9. He shall have taken the oath prescribed in Article 101 of this Constitution and an oath abjuring allegiance to the Government of his native land or that under which he has heretofore been naturalized, and of allegiance to the Republic of Hawaii.

10. He shall make written application, verified by oath, to a Justice of the Supreme Court, setting forth his possession of and compliance with all of the foregoing qualifications and requirements, and shall prove the same to the satisfaction of such Justice.

#### ARTICLE 19.—DENIZATION.

SECTION 1. Letters of Denization of the following classes may be granted by the Executive Council:

1. Letters conferring all of the privileges of citizenship, except the right to vote, which may be granted to any person.

2. Special Letters conferring all of the rights of citizenship including the right to vote, which shall be granted only to persons eligible to become naturalized; provided however that the conditions of intention to become a permanent citizen, of an oath abjuring allegiance to the Government of his native

land, of an oath of allegiance to the Republic and of application to the Supreme Court shall not be required; and provided further that the condition of being a citizen or subject of a country having treaty relations with this Republic concerning naturalization shall not apply to persons who have resided in the Hawaiian Islands for a period of seven years or more prior to the date of the promulgation of this Constitution, and who may apply for Letters of Denization within five years from such promulgation.

SECTION 2. Every person receiving letters of denization shall take the oath prescribed in Article 101 of this Constitution and shall thereupon be subject to all the duties and obligations of a citizen.

SECTION 3. All Letters of Denization heretofore granted are hereby revoked.

ARTICLE 20.—DIVISION OF POWERS OF GOVERNMENT.

The Supreme Power of the Republic is divided into the Executive, Legislative and Judicial. Except as herein provided, these shall be preserved distinct.

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## THE EXECUTIVE POWER.

### ARTICLE 21.—EXECUTIVE COUNCIL.

SECTION 1. The Executive Power of the Republic shall be vested in a President and Cabinet.

SECTION 2. The Cabinet shall consist of a Minister of Foreign Affairs; a Minister of the Interior; a Minister of Finance and an Attorney General.

SECTION 3. The President and Cabinet sitting together shall constitute the Executive Council.

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## THE PRESIDENT.

### ARTICLE 22.—QUALIFICATIONS OF PRESIDENT.

In order to be eligible to the office of President, a person shall:

Be not less than thirty-five years of age;

Have been born in the Hawaiian Islands or resided therein for not less than fifteen years;  
And be a citizen of the Republic.

ARTICLE 23.—FIRST PRESIDENT.

Sanford Ballard Dole is hereby declared to be the President of the Republic of Hawaii, to hold office until and including the 31st day of December, 1900, and thereafter until a successor shall have been duly elected and qualified.

ARTICLE 24.—ELECTION OF PRESIDENT.

SECTION 1. On the third Wednesday of September, 1900, and on the third Wednesday of September in every sixth year thereafter, the Legislature shall meet to elect a President for a term of six years to begin with the first day of January of the year following.

SECTION 2. For the purposes of such election the Senate and the House of Representatives shall sit together.

The election shall be by ballot and the person receiving a majority vote of all the elective members to which the Legislature is entitled, which majority shall include a majority of all the Senators, shall be President for the succeeding term; or for the unexpired portion of such term in case no person shall have been elected prior to the first day of such term.

SECTION 3. If the Legislature shall fail to elect a President before the first day of January following the date when the Legislature is required to meet for such election, the President whose term has then expired or the Minister who is acting as President shall continue to be or act as President until his successor is elected and qualified; but such failure to elect shall in no case discharge the Legislature from their duty to immediately proceed with such election.

SECTION 4. No President shall be eligible for reelection for the term immediately following that for which he was elected.

ARTICLE 25.—SALARY OF PRESIDENT.

The President shall, at stated times, receive for his services a compensation, which shall neither be increased nor diminished during the period for which he shall have been elected, and he shall not receive within that period any other emolument from the Republic.

## ARTICLE 26.—POWER OF APPOINTMENT.

SECTION 1. The President, with the approval of the Senate, shall appoint the members of the Cabinet; the Judges of the Supreme and Circuit Courts; the Auditor General and all Diplomatic and Consular Representatives to foreign countries; and until the end of the first session of the Senate, the appointees of the President shall act.

SECTION 2. In case a vacancy in any such office shall occur while the Senate is not in session, the President may fill such vacancy by granting a commission which shall, unless confirmed, expire at the end of the next session of the Senate.

SECTION 3. In case of the absence from the seat of Government or temporary disability of any member of the Cabinet, the President may appoint one of the remaining members of the Cabinet to temporarily perform the duties of the member so absent or disabled.

No such ad interim appointment shall, however, be valid for more than sixty days from the date of the appointment.

SECTION 4. The President shall also with the approval of the Cabinet, appoint the members of the Board of Health; Board of Education; Board of Immigration; Board of Prison Inspectors and any other Boards of a Public character which may be created by law; and the District Magistrates.

SECTION 5. The President shall have the appointment and removal of all officers of the Government, whose appointment or removal is not otherwise provided for.

## ARTICLE 27.—POWER OF REMOVAL.

The President shall have the power, with the approval of the Cabinet, to remove any of the officers enumerated in the last Article, except the Auditor General, and the District Magistrates, who shall be removable as provided by law; and except the Judges of the Supreme and Circuit Courts, who shall be removable only as herein prescribed; and except the members of the Cabinet, who shall be removable only by the President with the consent of the Senate. The President with the approval of three members of the Cabinet may remove any member of the Cabinet.

## ARTICLE 28.—CONVENING THE LEGISLATURE.

The President may convene the Legislature or the Senate alone, in special session, and in case the seat of government shall be insecure from an enemy, riot, or insurrection or any dangerous disorder, direct that any regular or special session shall be held at some other than the regular meeting place.

## ARTICLE 29.—RECEIVING FOREIGN REPRESENTATIVES.

The President shall receive and acknowledge all Diplomatic Representatives accredited to the Republic by other Governments.

## ARTICLE 30.—MESSAGES TO THE LEGISLATURE.

The President shall, upon the meeting of the Legislature, and at such other times as he may deem proper, inform such body, by message in writing, as to the condition of the Republic; or concerning other matters of public interest; and recommend the consideration of such measures as to him shall seem best.

## ARTICLE 31.—MARTIAL LAW—SUSPENSION OF HABEAS CORPUS.

The President, or one of the Cabinet Ministers as herein provided, may, in case of rebellion or invasion, or imminent danger of rebellion or invasion, when the public safety requires it, suspend the privilege of the writ of habeas corpus or place the whole or any part of the Republic under martial law.

## ARTICLE 32.—TREATIES.

The President, with the approval of the Cabinet, shall have the power to make Treaties with Foreign Governments, subject to the ratification of the Senate.

The President, with the approval of the Cabinet, is hereby expressly authorized and empowered to make a Treaty of Political or Commercial Union between the Republic of Hawaii and the United States of America, subject to the ratification of the Senate.

## ARTICLE 33.—COMMANDER-IN-CHIEF.

The President is the Commander-in-Chief of all the Military Forces of the Republic.

## THE CABINET.

## ARTICLE 34.—COUNSELLORS OF THE PRESIDENT.

The Cabinet shall be the special counsellors of the President and shall be consulted by him concerning all matters of public policy, appointments to office, and other matters of importance concerning which action is contemplated.

The President shall not be bound to follow the advice of the Cabinet, except in the instances where, by this Constitution, the approval of the Cabinet is required as a prerequisite for his action.

## ARTICLE 35.—REPORTS—RESPONSIBILITY—POWERS OF APPOINTMENT AND REMOVAL.

SECTION 1. Each member of the Cabinet shall keep an office at the seat of Government, and shall, not later than the last Wednesday in February in each year, present to the President a full report of the principal transactions within his department during the year ending December thirty-first last preceding, together with such recommendations as he may think proper.

He shall also at any time, when requested in writing by the President, report to him on any subject within the scope of his authority.

SECTION 2. The members of the Cabinet shall be responsible for the conduct of their respective Departments; and, with the approval of the President, shall have the appointment and removal of the following heads of Bureaus, under their respective Departments, viz:

The Superintendent of Public Works; the Surveyor General; the Registrar of Conveyances; the Superintendent of the Honolulu Water Works; the Marshal; the Collector General of Customs; the Tax Assessors in Chief and the Post Master General, and also the heads of any other Bureaus created by law.

SECTION 3. Each head of a Bureau shall be responsible for the conduct of his Bureau, and shall have the appointment and removal of the officers under him, subject to the approval of the Minister in whose Department he is employed.

SECTION 4. The financial responsibility of any officer of the Government, for his own conduct, or that of his subordinates, shall be determined by law.



ARTICLE 36.—ACTING PRESIDENT IN CASE OF DEATH, DISABILITY OR ABSENCE OF PRESIDENT.

SECTION 1. In case of the temporary disability or absence from the Country of the President, the Minister of Foreign Affairs, while such disability or absence continues, shall act as President; or,

In case of the disability or absence from the country of such Minister, the Minister of the Interior, while such disability or absence of the President continues, shall act as President; or

In case of the disability or absence of both such Ministers, the Minister of Finance, while such disability or absence of the President continues, shall act as President; or,

In case of the disability or absence from the Country of the three Ministers aforesaid, then the Attorney General, while such disability or absence of the President continues, shall act as President.

SECTION 2. In case of the death, resignation, removal or permanent disability of the President, the Minister of Foreign Affairs shall thereupon act as President until a successor to the President is elected in the manner herein designated; or,

In case of the disability or absence from the Country of such Minister, the Minister of the Interior shall act as President for the time aforesaid; or,

In case of the disability or absence from the Country of both such Ministers, the Minister of Finance shall act as President for the time aforesaid; or,

In case of the disability or absence from the Country of the three Ministers aforesaid, the Attorney General shall act as President for the time aforesaid.

SECTION 3. If at any time during the absence of the President or acting President from the seat of Government, an occasion shall arise requiring a declaration of martial law, or suspension of the writ of habeas corpus, the powers in and concerning such matters herein granted to the President, may be exercised by one of the Cabinet Ministers, who shall act in order of priority and in the manner named in Section 2 of this Article.

SECTION 4. In case of the death, resignation, removal or permanent disability of the President, before six months prior to the expiration of his term, the Minister who shall thereupon act as President, shall, unless the Legislature is in session, immediately summon a special session of the Legislature to meet within thirty days, to elect a President to fill the unexpired

term of the President who has died, resigned, been removed or become permanently disabled.

SECTION 5. In case any Minister shall act as President as herein provided, he shall, while so acting, have all the rights and powers and be subject to all the duties and obligations by this Constitution granted to or prescribed for the President.

ARTICLE 37.—EX-OFFICIO MEMBERS OF THE LEGISLATURE.

The members of the Cabinet shall be ex-officio members of both Houses of the Legislature, with all the rights, powers and privileges of elected members, except the right to vote.

THE LEGISLATIVE POWER.

ARTICLE 38.—THE LEGISLATURE.

SECTION 1. The Legislative Power of the Republic is vested in a Legislature, and, subject to the limitations herein provided, a Council of State.

The Legislature shall consist of two Houses, styled the Senate and the House of Representatives, which shall organize and sit separately, except as otherwise herein provided.

The two Houses shall be styled "The Legislature of the Republic of Hawaii."

SECTION 2. No person shall sit as a Senator or Representative in the Legislature, unless elected under and in conformity with this Constitution.

ARTICLE 39.—GENERAL ELECTIONS.

SECTION 1. A General Election shall be held on the last Wednesday of September, 1897, and General Elections shall be held on the last Wednesday in September every two years thereafter.

SECTION 2. If from any cause a general election shall not be held at the appointed time the Minister of the Interior shall without unnecessary delay, appoint another time for the holding of such election.

And the election so held upon such appointment shall be deemed to be a general election.

**ARTICLE 40.—SUPREME COURT JUDGE OF QUALIFICATIONS OF MEMBERS.**

In case any election to a seat in either House is disputed, and legally contested, the Supreme Court shall be the sole judge of whether or not a legal election for such seat has been held; and, if it shall find that a legal election has been held, it shall be the sole judge of who has been elected.

**ARTICLE 41.—BURDEN OF PROOF OF ELIGIBILITY.**

In case the eligibility of any person to be a Senator or Representative, or an elector of Senators or Representatives, is questioned by any legal voter, before any court or tribunal having authority to consider such matter, the burden of proof shall rest upon the person whose eligibility is so questioned to establish his eligibility.

The unsupported statement or oath of the person whose eligibility is so questioned shall not be deemed sufficient to shift the burden of proof; but he shall show by other evidence, to the satisfaction of the Court or tribunal, that he is eligible.

**ARTICLE 42.—DISQUALIFICATIONS OF LEGISLATORS.**

No member of the Legislature shall, during the term for which he is elected, be appointed or elected to any office of the Government except that of President, Cabinet Minister, Justice of the Supreme Court, or member of the Council of State.

**ARTICLE 43.—DISQUALIFICATIONS OF GOVERNMENT OFFICERS AND EMPLOYEES.**

Except members of the Council of State, no person holding office in, or under, or by authority of the Government, including Notaries Public and Agents to take Acknowledgements, nor any employee of the Government, shall be eligible to election to the Legislature or to hold the position of an elected member of the same.

**ARTICLE 44.—DISQUALIFICATION OF CERTAIN CLASSES.**

No idiot or insane person, and no person who shall be expelled from the Legislature for giving or receiving bribes, or being ac-

cessary thereto; and no person who in due course of law shall have been convicted of larceny, bribery, gross cheat, or of any criminal offense punishable by imprisonment, whether with or without hard labor, for a term exceeding two years, whether with or without fine, shall register to vote or shall vote or hold any office in or under or by authority of the Government, unless the person so convicted shall have been pardoned and restored to his civil rights.

#### ARTICLE 45.—OATH OF OFFICE.

Every elective member of the Legislature shall take the following oath or affirmation:

I solemnly swear (or affirm) in the presence of Almighty God, that I will faithfully support the Constitution and laws of the Republic of Hawaii; and conscientiously and impartially discharge my duties as a member of the Legislature.

#### ARTICLE 46.—OFFICERS AND RULES.

The Senate and the House of Representatives shall each choose its own officers, determine the rules of its own proceedings, not inconsistent with this Constitution, and keep a journal.

#### ARTICLE 47.—AYES AND NOES.

The ayes and noes of the members on any question shall, at the desire of one-third of the members present, be entered on the journal.

#### ARTICLE 48.—QUORUM.

SECTION 1. A majority of the number of elective members to which each House is entitled, shall constitute a quorum of such House for the conduct of ordinary business, of which quorum a majority vote shall suffice. But the final passage of a law in each House shall require the vote of a majority of all the members to which such House is entitled.

SECTION 2. A smaller number than a quorum may adjourn from day to day, and compel the attendance of absent members in such manner and under such penalties as each House may provide.

SECTION 3. For the purpose of ascertaining whether there is a quorum present, the chairman shall count the number of members present.

ARTICLE 49.—PUNISHMENT OF PERSONS NOT MEMBERS.

Each House may punish by fine, or by imprisonment not exceeding thirty days, any person not a member of either House, who shall be guilty of disrespect of such House by any disorderly or contemptuous behavior in its presence; or,

Who shall publish any false report of its proceedings; or,

Who shall, on account of the exercise of any legislative function, threaten harm to the body or estate of any of the members of such House; or,

Who shall assault, arrest or detain any witness or other person ordered to attend such House, on his way going to or returning therefrom; or,

Who shall rescue any person arrested by order of such House.

But the person charged with the offense shall be informed, in writing, of the charge made against him, and have an opportunity to present evidence and be heard in his own defense.

ARTICLE 50.—COMPENSATION OF MEMBERS.

The Members of the Legislature shall receive for their services, in addition to mileage at the rate of ten cents a mile each way, the sum of Four Hundred Dollars for each regular session of the Legislature, payable in three equal installments on and after the first, thirtieth and sixtieth days of the session; and the sum of Two Hundred Dollars for each extra session of the Legislature, except a session for the sole purpose of electing a President, for which members shall receive mileage only.

ARTICLE 51.—PUNISHMENT OF MEMBERS.

Each House may punish its own members for disorderly behavior or neglect of duty, by censure, suspension or expulsion.

ARTICLE 52.—EXEMPTION FROM LIABILITY.

No member of the Legislature shall be held to answer for any words uttered in the exercise of his legislative functions in either House, before any other tribunal.

ARTICLE 53.—EXEMPTION FROM ARREST.

The members of the Legislature shall, in all cases except treason, felony or breach of the peace, be privileged from arrest during their attendance at the sessions of the respective Houses; and in going to and returning from the same. Provided that such privilege as to going and returning shall not cover a period of over ten days each way.

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THE SENATE.

ARTICLE 54.—NUMBER OF MEMBERS.

SECTION 1. The Senate shall be composed of fifteen members. The Senators to be elected at the first election held under this Constitution, shall hold office until the general election held in the year 1899.

ELECTIONS.

SECTION 2. Senators shall be elected at the general election to be held on the last Wednesday of September, 1899, in three classes to hold office for two, four and six years respectively, and thereafter in terms of six years. The details of such election and apportionment of terms shall be provided for by the Legislature.

VACANCIES.

SECTION 3. Vacancies caused by death, resignation or otherwise, shall be filled for the unexpired term at special elections.

ARTICLE 55.—SENATORIAL DISTRICTS.

SECTION 1. For the purpose of representation in the Senate, until otherwise provided by law, the Republic is divided into the following Senatorial Districts, viz:

First District; the Island of Hawaii.

Second District; the Islands of Maui, Molokai, Lanai and Kahoolawe.

Third District; the Island of Oahu.

Fourth District; the Islands of Kauai and Niihau.

SECTION 2. The electors in the said districts shall be entitled to elect Senators as follows:

- In the First District, four;
- In the Second District, three;
- In the Third District, six;
- In the Fourth District, two.

#### ARTICLE 56.—QUALIFICATIONS OF SENATORS.

In order to be eligible to election as a Senator, a person shall:  
Be a male citizen of the Republic;  
Have attained the age of thirty years;  
Be able understandingly to speak, read and write the English or the Hawaiian language.

Have resided in the Hawaiian Islands not less than three years;

Be the owner, in his own right, of property in the Republic of the value of not less than Three Thousand Dollars over and above all encumbrances; or have been in receipt of a money income of not less than Twelve Hundred Dollars during the year immediately preceding the date of the election, for the proof of which he may be required to produce original accounts of the receipt of such income.

#### THE HOUSE OF REPRESENTATIVES.

##### ARTICLE 57.—NUMBER OF REPRESENTATIVES.

SECTION 1. The House of Representatives shall be composed of fifteen members, elected, except as herein provided, every second year.

##### TERM OF OFFICE.

SECTION 2. The term of office of the Representatives elected at the first election held under this Constitution shall extend to the last Wednesday in September, 1897, and the term of those thereafter elected at general or special elections, shall be until the next general election held thereafter.

##### VACANCIES.

SECTION 3. Vacancies caused by death, resignation or otherwise, shall be filled for the unexpired term at special elections.

REPRESENTATIVE DISTRICTS.

SECTION 4. For the purpose of representation in the House of Representatives, until otherwise provided by law, the Republic is divided into the following Representative Districts, viz:

First District; that portion of the Island of Hawaii known as Puna, Hilo and Hamakua.

Second District; that portion of the Island of Hawaii known as Kau, Kona and Kohala.

Third District; the Islands of Maui, Molokai, Lanai and Kihoolawe.

Fourth District; that portion of the Island of Oahu lying east and south of Nuuanu street, and a line drawn in extension thereof from the Nuuanu Pali to Mokapu point.

Fifth District; that portion of the Island of Oahu lying west and north of the Fourth District.

Sixth District; the Islands of Kauai and Niihau.

APPORTIONMENT.

SECTION 5. The electors in the said districts shall be entitled to elect Representatives as follows:

- In the First District, two;
- In the Second District, two;
- In the Third District, three;
- In the Fourth District, three;
- In the Fifth District, three;
- In the Sixth District, two.

ARTICLE 58.—QUALIFICATIONS OF REPRESENTATIVES.

In order to be eligible to be a member of the House of Representatives, a person shall, at the time of election:

Have attained the age of twenty five years;

Be a male citizen of the Republic;

Be able understandingly to read, write and speak the English or Hawaiian language;

Have resided in this country not less than three years;

And shall either own property in the Republic worth not less than One Thousand Dollars over and above all encumbrance, or have received a money income of not less than Six Hundred Dollars during the twelve months immediately preceding the date of election.



## LEGISLATION.

## ARTICLE 59.

The Legislature has the power to enact wholesome laws not inconsistent with this Constitution.

## ARTICLE 60.—SESSIONS OF THE LEGISLATURE.

SECTION 1. The first regular session of the Legislature shall be held on the third Wednesday in February, 1896, and biennially thereafter, in Honolulu.

SECTION 2. Neither House shall adjourn, during any session, for more than three days, or sine die, without the consent of the other.

SECTION 3. If either House shall so adjourn without the consent of the other, the other House may proceed to legislate as though it were the sole legislative body, and may exercise the full powers of the Legislature.

SECTION 4. Each session of the Legislature shall continue not longer than ninety days, excluding Sundays and holidays.

Provided, however, that the President, with the approval of the Cabinet, may extend such session for not more than thirty days.

SECTION 5. Special sessions of the Legislature shall be held at such times as may be indicated by the President in manner herein provided; or upon the call of the Presiding Officer of the Senate, when requested in writing so to do by two-thirds of the members of the Senate; or at such other times as are herein specially provided.

## ARTICLE 61.—ENACTING CLAUSE.

The Enacting Clause of all Laws shall be, "Be it enacted by the Legislature of the Republic of Hawaii."

## ARTICLE 62.—INTRODUCTION OF BILLS.

No bill shall be introduced into either House by any member of such House, unless it shall have first received thereon the written endorsement of three members of such House.

ARTICLE 63.—TITLE OF LAWS.

Each Law shall embrace but one Subject, which shall be expressed in its Title.

The Title of a Law amending or repealing another law shall refer to the section or chapter of the law amended or repealed, and to the subject-matter involved.

ARTICLE 64.—READINGS OF BILLS.

A Bill, in order to become law, shall, except as herein provided, pass three readings in each House, the final passage of which in each House, shall be by a majority vote of all the elective members to which such House is entitled, taken by ayes and noes and entered upon its journal.

ARTICLE 65.—CERTIFICATION OF BILLS FROM ONE HOUSE TO THE OTHER.

Every Bill when passed by the House in which it originated, or in which amendments thereto shall have originated, shall immediately be certified by the Chairman and Clerk and sent to the other House for consideration.

ARTICLE 66.—SIGNING BILLS.

Except as herein provided, all Bills passed by the Legislature shall, in order to be valid, be signed by the President.

ARTICLE 67.—VETO OF PRESIDENT.

Every Bill which shall have passed the Legislature shall be certified by the Chairman and Clerk of the House last considering it, and shall thereupon be presented to the President. If he approves it, he shall sign it and it shall become a law. If the President does not approve such bill, he may return it, with his objections, to the Legislature.

He may veto any specific item or items in any bill which appropriates money for specific purposes; but shall veto other bills, if at all, only as a whole.

## ARTICLE 68.—PROCEDURE UPON RECEIPT OF VETO.

Upon the receipt of a veto message from the President, each House of the Legislature shall enter the same at large upon its journal, and proceed to reconsider such bill, or part of a bill, and again vote upon it by ayes and noes, which shall be entered upon its journal.

If, after such reconsideration, such bill, or part of a bill, shall be approved by a two-thirds vote of all the elective members to which each House is entitled, it shall thereby become law.

## ARTICLE 69.—FAILURE TO SIGN OR VETO.

If the President neither signs nor vetoes a bill within ten days after it is delivered to him, it shall become law without his signature, unless the Legislature adjourns sine die prior to the expiration of such ten days.

In computing such period of ten days, Sundays, holidays recognized by the laws of the Republic, and the day upon which the bill is delivered to the President shall be excluded.

## ARTICLE 70.—APPROPRIATIONS.

SECTION 1. Appropriations, except as otherwise herein provided, shall be made biennially by the Legislature.

SECTION 2. The Minister of Finance shall submit to the Senate, at each regular session of the Legislature, Appropriation Bills for the succeeding biennial period.

SECTION 3. No Appropriation Bill or bill providing for a national loan shall be introduced by any one except a member of the Cabinet.

Provided, however, that any member may introduce a bill amending the permanent appropriation bill for salaries and pay rolls herein provided for.

SECTION 4. In case of a failure of the Legislature to pass appropriation bills providing for payments of the necessary current expenses of carrying on the Government, and meeting its legal obligations, the Minister of Finance may, with the advice of the Executive Council, make such payments for and during the new biennial period, for which purpose the sums appropriated in the last appropriation bill shall be deemed to have been re-appropriated.

SECTION 5. The appropriation bill for salaries and pay rolls shall be a permanent one, and the items and amounts therein enumerated, and such salaries and pay rolls as may hereafter be incorporated therein, shall continue, until stricken out or amended, to be the basis for payment in future, and shall not be required to be reappropriated from time to time.

SECTION 6. The appropriation bill for salaries and pay rolls passed on the 26th day of April, 1894, shall continue in force, and be the permanent appropriation bill for the purposes therein set forth, subject to such amendments and additions thereto, as may from time to time be made by the Legislature.

#### ARTICLE 71.—RETROSPECTIVE LAWS.

Except as herein provided, no Retrospective Law shall ever be enacted.

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### ELECTIONS.

#### ARTICLE 72.—EXEMPTION OF ELECTORS ON ELECTION DAY.

SECTION 1. Every Elector shall be privileged from arrest on election day, during his attendance at election, and in going to and returning therefrom, except in case of breach of the peace then committed, or in case of treason or felony.

SECTION 2. No elector shall be so obliged to perform military duty on the day of election, as to prevent his voting, except in time of war or public danger, or in case of absence from his place of residence in actual military service, in which case provision may be made by law for taking his vote.

#### ARTICLE 73.—METHOD OF VOTING FOR REPRESENTATIVES.

Each voter for Representatives may cast as many votes as there are representatives to be elected from the Representative District in which he is entitled to vote. He may cast them all for one Representative, or may apportion them among the several Representatives in such manner as he sees fit; provided, however, that any fractional division of a vote other than one-half shall be void.

The required number of candidates receiving the highest number of votes in the respective Representative Districts shall be the Representatives for such Districts.

ARTICLE 74.—QUALIFICATIONS OF VOTERS FOR REPRESENTATIVES.

In order to be eligible to vote for Representatives, a person shall:

1. Be a male citizen of the Republic; and if naturalized prior to January 17th, 1893, be a native of a country having, or having had, treaty relations with Hawaii; or,

Have received special letters of denization entitling him to all the privileges of Hawaiian citizenship; or,

Have received from the Minister of the Interior the Certificate of Service herein provided for;

2. Have resided in the Representative District in which he offers to register, not less than one month immediately preceding the time at which he offers to register;

3. Have attained the age of twenty years;

4. Have taken and subscribed the oath set forth in Article 101 of this Constitution;

5. Prior to each regular election, during the time prescribed by law for registration, have caused his name to be entered on the Register of Voters for Representatives for his district;

6. Prior to such registration have paid, on or before the first day of January next preceding the date of registration, all taxes due by him to the Government. Provided, however, that for the registration for the first election held under the provisions herein, taxes may be paid at any time prior to the application for registration;

7. Be able understandingly to speak, read and write the English or Hawaiian language.

In order to comply with this requirement, he shall be able to read and write, with ordinary fluency, any section or sections of this Constitution.

Provided, however, that the requirement that he shall be able understandingly to speak, read and write the English or Hawaiian language, shall not apply to those persons who shall obtain the certificate of service as provided for in Article 17.

## ARTICLE 75.—METHOD OF VOTING FOR SENATORS.

Each voter for Senators may cast one vote only for each Senator to be elected from the Senatorial District in which he is entitled to vote.

The required number of candidates receiving the highest number of votes in the respective Senatorial Districts shall be the Senators for such District.

## ARTICLE 76.—QUALIFICATIONS OF VOTERS FOR SENATORS.

In order to be eligible to vote for Senators, a person must possess all the qualifications and be subject to all the conditions required by this Constitution of voters for Representatives, and, in addition thereto, he shall own and be possessed in his own right, of real property in the Republic of the value of not less than Fifteen Hundred Dollars over and above all encumbrances, and upon which legal taxes shall have been paid on that valuation for the year next preceding the one in which such person offers to register; or personal property of the value of not less than Three Thousand Dollars over and above all encumbrances; or shall have actually received a money income of not less than Six Hundred Dollars during the year next preceding the first day of April next preceding the date of each registration; for the proof of which he may be required to produce original accounts of the receipt of such income.

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REGISTRATION OF VOTERS.

## ARTICLE 77.

SECTION 1. No person shall vote for the election of Representatives or Senators unless he is qualified as herein required, and unless his name is entered by a Board of Registration upon the Register of Voters as herein provided.

## REGISTRATION BOARDS.

SECTION 2. For the purpose of examining applicants for registration as voters and determining their eligibility, there shall be five Boards of Registration, one for that portion of the

Island of Hawaii known as Puna, Hilo and Hamakua; one for that portion of the Island of Hawaii known as Kau, Kona and Kohala; one for the Islands of Maui, Molokai, Lanai and Kahoolawe; one for the Island of Oahu; and one for the Islands of Kauai and Niihau. Such boards shall consist of three members each, who shall be appointed by the President, with the approval of the Senate. The President, subject to such approval, may fill all vacancies in any of such Boards. Provided, however, that for the first election held under this Constitution, the President, with the approval of the Cabinet, shall have the power to appoint and remove the members of such Boards, and with like approval may fill any vacancies in such Boards which shall occur before the first meeting of the Senate. Appointments made by the President during a vacation of the Senate shall be valid until the succeeding meeting of that body.

Members of any such Boards may be removed by the President with the approval of the Senate.

#### TIME OF MEETING.

SECTION 3. The Boards of Registration shall meet within thirty days after this Constitution takes effect, for the purpose of registering persons entitled to be registered to vote for Senators and Representatives, and shall continue to meet at such points within their respective districts, for such time as will give all persons entitled to register a reasonable opportunity so to do. Provided, however, that the final sitting of such Boards shall not be less than twenty-one days prior to the first election held under the provisions herein.

SECTION 4. The Boards shall meet within their respective districts at such times between the first day of April and the thirtieth day of June in the year 1897, and between such days in each second year thereafter, as many times as may be necessary to enable them to register all persons entitled to register.

#### REGISTER AT SPECIAL ELECTIONS.

SECTION 5. At any intermediate special election the Register of Voters used at the last preceding general election shall be used without change.

## PERSONAL APPEARANCE OF APPLICANT.

SECTION 6. No name shall be placed upon the Register of Voters for either Senators or Representatives, except upon the personal appearance of the applicant before the Board of Registration at an advertised public meeting of the Board.

## EXAMINATION OF APPLICANTS.

SECTION 7. Each applicant to be placed upon the Register of Voters for either Senators or Representatives shall, upon each application for registration, be examined under oath by the Board of Registration as to each one of the required qualifications.

Provided, however, that after an applicant shall once have passed an examination concerning his ability understandingly to speak, read and write the English or Hawaiian language, it shall be at the discretion of the Board to examine him further or not, concerning such qualification.

The examination of the applicant, and of all witnesses examined before any Board of Registration, shall be under oath, administered by any of the members of such Board, who are hereby authorized to administer oaths for such purpose.

The examination, number of witnesses, and time or times of examination, shall be under the reasonable control and discretion of the Board.

## POWERS OF BOARD.

SECTION 8. Each Board of Registration is hereby given all of the powers and authority, for the summoning and examination of witnesses and the maintenance of order, including the power to punish for contempt, given by law to Circuit Courts.

## PERJURY.

SECTION 9. Any person who shall, under oath, knowingly make any false statement before any such Board, or who, knowing that he is not entitled to register or to vote, shall so register or vote, shall be guilty of the offense of Perjury.



## SUMMARY COMMITTAL FOR PERJURY.

SECTION 10. The several Boards are hereby given power to summarily commit any person for trial for perjury committed before any such Board, if, in their opinion, there is probable cause to believe that, upon the trial, such person would be convicted of such offense.

## CHALLENGING.

SECTION 11. Any lawful voter may challenge the right to register of any person claiming to be eligible to register as a voter; cross-examine the applicant and any witnesses produced by him, and produce and examine witnesses against such eligibility.

SECTION 12. No Board of Registration shall enter the name of any person upon the Register of Voters until satisfied that such person possesses the requisite qualifications.

## APPEAL FROM BOARD.

SECTION 13. If any Board shall refuse to register the name of any person applying to be registered, the person refused, and, in case any name has been registered, any legal voter, may, at any time within ten days after the decision of such Board, appeal to the Supreme Court in the manner provided by law for civil appeals to the Supreme Court from the Circuit Court, or in such manner as may hereafter be provided by law.

SECTION 14. Upon such appeal being perfected, the Supreme Court shall proceed to hear such cause, either in term time or in vacation, as soon thereafter as reasonably may be; and the determination by such Court of such question shall be final.

## NOTICE OF DECISION TO BOARD.

SECTION 15. Immediately upon rendering a decision upon any such appeal, the Supreme Court shall notify the Board of Registration from which such appeal was taken; and if such decision shall reverse the decision of the Board, such Board shall immediately cause the Register to be corrected to conform with such decision.

STATUS OF PERSON REGISTERED PENDING APPEAL.

SECTION 16. In case of an appeal from a decision of any Board admitting the name of any person to registration, the name of such person shall remain upon the Register pending the decision of the Supreme Court concerning the same.

If the person so registered shall vote at any election before a decision of the Court shall have been made and acted upon, such vote shall not invalidate such election, even though the decision of the Court shall be adverse to the registration of such name.

NOTICE OF MEETINGS.

SECTION 17. The time and place of all meetings of the several Boards shall be advertised in the English and Hawaiian languages, in newspapers, or by notices posted in at least three frequented places in the locality where such meetings are to be held.

This section shall not be construed to prohibit the adjournment of any such advertised meeting from day to day to a time certain, announced at the time of adjournment.

TIME OF REGISTERING.

SECTION 18. No name shall be registered or stricken from the Register except in an open meeting of the Board and upon public announcement, except for the following causes, viz:

1. In case the Supreme Court shall render a decision upon appeal, reversing the decision of the Board.
2. In case the Board has decided that a person is entitled to registration and his name has been accidentally omitted from the Register, mis-spelled, or he has therein been misnamed.

COPIES OF REGISTER TO BE SENT TO INSPECTORS OF ELECTION.

SECTION 19. The respective Boards shall, as soon as reasonably may be after the Register of Voters for any voting precinct is completed, prepare four copies thereof and forward them to the Chairman of Inspectors of Election for such precinct; or, in case such officer shall not then have been appointed, to the Deputy Sheriff of the District in which such precinct is located.

The officer receiving such copies shall retain one for use at the election, and immediately post the other copies in three fre-

quented places within the precinct, for the inspection of the public.

#### INSPECTORS NOT TO CHANGE REGISTERS.

SECTION 20. No name shall be added to or stricken from the Register of Voters, or in any manner changed by the Inspectors of Election, except upon the written order of the Board of Registration for such District.

#### CORRECTION OF REGISTER.

SECTION 21. If it shall be manifest to any Board, at any time, that the name of a person admitted to registration has been accidentally omitted from the Register or mis-spelled, or that he has been misnamed therein, such Board shall immediately remedy such omission or mistake; and, if a copy of the Register has been sent to the election precinct in which such person is entitled to vote, shall immediately in writing, order the Inspectors of Election for such precinct to correct such copy of the Register.

Such order shall set forth the reasons for the action directed to be taken, and shall be retained and filed by the Inspectors of Election as a part of the records of the election.

The power of revision and correction hereby conferred, shall not be construed to allow the reopening of the question of the qualifications of any person registered by the Board.

#### RECORD OF PROCEEDINGS.

SECTION 22. The several Boards shall each keep books of record in which minutes shall be preserved of all their proceedings.

#### ARTICLE 78.—REPEAL OF ELECTION LAWS.

All election laws in force when this Constitution is promulgated are hereby repealed.

#### ARTICLE 79.—RULES AND REGULATIONS FOR OATHS AND ELECTIONS.

Until otherwise provided by law, the President, with the approval of the Cabinet, shall have power to make rules and regu-

lations not inconsistent herewith, for administering oaths and holding elections provided for by this Constitution.

ARTICLE 80.—FIRST ELECTION.

The first election of the Legislature shall be held at such time and places, within four months after the promulgation of this Constitution, as shall be directed by the President, with the approval of the Cabinet.

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COUNCIL OF STATE.

ARTICLE 81.—HOW CONSTITUTED.

SECTION 1. There shall be a Council of State of fifteen members, five of whom shall be elected by the Senate, five by the House of Representatives, and five appointed by the President with the approval of the Cabinet. The members of the Executive Council may sit and take part in the meetings of the Council of State, but shall not vote.

SECTION 2. The Council of State shall be elected and appointed during the first session of the Legislature; and at each regular session held thereafter.

TERM OF OFFICE.

SECTION 3. The term of office of the members thereof shall expire at the end of each regular session of the Legislature held after their election.

VACANCIES.—HOW FILLED.

SECTION 4. Vacancies among the elective members of the Council occurring between sessions of the Legislature may be filled by the Council.

Vacancies among the appointed members of the Council occurring at any time, may be filled by the President with the approval of the Cabinet.

## QUALIFICATIONS OF MEMBERS.

SECTION 5. Persons who are eligible to become elective members of the Legislature, or who are such members, and no others, shall be eligible to be elected or appointed as members of the Council.

## POWERS OF COUNCIL OF STATE.

SECTION 6. The Council of State may, upon the request of the Executive Council, appropriate public moneys, when, during the time intervening between the sessions of the Legislature, the emergencies of war, invasion, rebellion, pestilence or other great public necessity shall arise.

In case of such appropriation, the Minister of Finance shall render a detailed account of the expenditures made under such authority to the next regular session of the Legislature.

## PARDONS.

SECTION 7. The President, by and with the advice of the Cabinet and the Council of State, shall have the power to grant reprieves and pardons and to commute sentences, after conviction, for all offenses except in cases of impeachment.

## ADVISORY POWERS.

SECTION 8. The Council of State shall also, when called upon by the President, advise him in all matters for the good of the State, wherein he shall require its advice.

## MEETINGS.

SECTION 9. The Council of State may be convened at any time by the President. Its members shall serve without pay.

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THE JUDICIAL POWER.

## ARTICLE 82.

The Judicial Power of the Republic shall be vested in one Supreme Court, and in such Inferior Courts as the Legislature may, from time to time, establish.

ARTICLE 83.—SUPREME COURT—IMPEACHMENT—REMOVAL.

SECTION 1. The Supreme Court shall consist of a Chief Justice and not less than two Associate Justices. Provided, however, that in case of the disqualification or absence of any Justice thereof, in any cause pending before the Court, his place for the trial and determination of said cause shall be filled as provided by law.

SECTION 2. The Justices of the Supreme Court shall hold their offices during good behavior, subject to removal upon impeachment, and shall receive for their services a compensation which shall not be diminished during their continuance in office. Provided, however, that any Justice of the Supreme Court, or a Judge of any other Court of Record, upon recommendation of the Executive Council, may be removed from said office, on a resolution passed by two-thirds of all the elective members of the Legislature sitting together.

SECTION 3. The Justice or Judge against whom the Legislature may be about to proceed, shall have notice thereof, accompanied by a copy of the causes alleged for his removal, at least ten days before the day on which the Legislature shall act thereon. He shall be heard before the Legislature.

ARTICLE 84.—SUPREME AND INFERIOR COURTS.

The Judicial Power shall be divided among the Supreme Court, the Justices thereof, and the several Inferior Courts of the Republic in such manner as the Legislature may, from time to time, prescribe; and the tenure of office of the Judges of the Inferior Courts shall be such as may be fixed by the law creating them.

ARTICLE 85.—JURISDICTION.

The Judicial Power shall extend to all cases in law and equity, arising under the Constitution and Laws of the Republic, and Treaties; to all cases affecting Public Ministers and Consuls, and to all cases of Admiralty and Maritime Jurisdiction.

## ARTICLE 86.—DECISIONS.

The Decisions of the Supreme Court shall be final and conclusive upon all parties, when made by a majority of the Justices thereof or by a majority of those who constitute the Court as provided by law in case a Justice thereof is disqualified or absent.

## ARTICLE 87.—OPINIONS TO THE EXECUTIVE.

The Justices of the Supreme Court, when requested by the President or the Cabinet, shall render opinions upon questions of law upon solemn occasions.

## ARTICLE 88.—DISQUALIFICATION BY PREVIOUS JUDGMENT.

No Judge or Magistrate shall sit on an appeal or new trial, in any case in which he may have given a previous judgment.

## ARTICLE 89.—DISQUALIFICATION BY RELATIONSHIP OR PECUNIARY INTEREST.

No person shall sit as a judge or juror in any case in which his relative by affinity, or by consanguinity within the third degree, is interested, either as plaintiff or defendant, or in the issue of which the said judge or juror may have, either directly or through such relative, any pecuniary interest.

## ARTICLE 90.—IMPEACHMENT.

SECTION 1. The President and all civil officers of the Republic shall be liable to removal from office on impeachment by the House of Representatives upon any of the following grounds, namely:

Any act or negligence involving moral turpitude punishable by law as an offense and committed while in office, incapacity for the due performance of official duty, maladministration in

office, and assessment of office-holders for partisan or political expenses.

SECTION 2. The Senate shall be a Court, with full and sole authority to hear and determine all impeachments made by the House of Representatives.

SECTION 3. The Chief Justice of the Supreme Court shall be ex-officio President of the Senate in all cases of impeachment, unless when impeached himself. Should the Chief Justice be impeached, some person specially commissioned by the President shall preside over the Senate during such trial.

SECTION 4. Previous to the trial of any impeachment the Senators shall respectively be sworn truly and impartially to try and determine the charge in question according to law and the evidence.

SECTION 5. The judgment of the Senate, in case of the conviction of the person impeached, shall not extend further than to removal from office and disqualification to hold any place of honor, trust or profit under the Republic; but the person so convicted shall be, nevertheless, liable to indictment, trial, judgment, and punishment according to law.

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## MISCELLANEOUS PROVISIONS.

### ARTICLE 91.—CONSTITUTION SUPREME LAW.

This Constitution when promulgated, shall thereupon become the Supreme Law of the Republic, and the Constitution promulgated on the 7th day of July, 1887, and all other Constitutions at any time the Supreme Law in the Hawaiian Islands, and also all Laws and parts of laws inconsistent herewith, are hereby expressly abrogated and are declared to be null and void.

### ARTICLE 92.—EXISTING STATUTES AND OFFENSES.

SECTION 1. All statutes and enactments in force in the Hawaiian Islands at the time this Constitution takes effect, not



inconsistent therewith, and all rights, actions, prosecutions, judgments and contracts then existing and valid, shall continue as if this Constitution had not been adopted, unless the same are inconsistent with this Constitution, or are herein specifically abrogated, or are otherwise herein provided for.

SECTION 2. Statutes heretofore enacted, which are not inconsistent herewith, which refer to the King, or the Government, or the Kingdom, or to the Provisional Government, shall be construed to refer to the President, or to the Republic or Government of the Republic of Hawaii, as the case may be.

All acts which, by statute in force at the time when this Constitution takes effect, have heretofore been defined to be offenses against the King, or the Provisional Government, or otherwise, shall be deemed to be offenses against the Republic or Government of Hawaii, unless such statute shall be inconsistent herewith, or shall be repealed or changed by law.

Acts heretofore committed, which were prohibited by statutes existing at the time such acts were committed, shall be punishable under said statutes, the same being construed as above provided.

SECTION 3. All criminal and penal proceedings arising or now depending within the limits of the Hawaiian Islands, shall be prosecuted to final judgment and execution in the name of the Republic of Hawaii; and all causes of action arising to individuals or corporations, and all actions at law and suits in equity now depending in the several courts within the limits of the Hawaiian Islands, not already barred by law, may be commenced or carried on to final judgment and execution in the corresponding courts of the Republic.

The style of all processes shall be "The Republic of Hawaii," and all prosecutions shall be carried on in the name and by the authority of the Republic of Hawaii.

Nothing in this Constitution contained shall be the basis or ground for a writ of error or habeas corpus or certiorari or prohibition or quo warranto, nor for an appeal in any pending judicial proceeding, and all process heretofore issued, or which may be issued prior to the day when this Constitution shall go into effect, shall be as valid as if issued in the name of the Republic of Hawaii; but such writs or appeals shall lie in respect of all judgments, decrees, orders or other proceedings heretofore made or had or pending in the several courts of the Hawaiian Islands, in conformity with the laws in force when such writs, decrees, orders or other proceedings were made or were pending.

## ARTICLE 93.—OFFICE HOLDERS.

SECTION 1. All persons holding office under the Provisional Government of the Hawaiian Islands, at the date of the promulgation of this Constitution, shall continue to hold and exercise all the power to them granted until their respective offices shall become vacant.

SECTION 2. All commissions issued by or under authority of the late Monarchy, or of the Provisional Government of the Hawaiian Islands, are hereby declared to be vacated, null and void, from and after the first day of September, 1894, unless cancelled prior to that date.

## ARTICLE 94.—TREATIES, BONDS, ETC., CONFIRMED.

All existing treaties and all bonds and notes heretofore made or authorized under the authority of the late Monarchy, or of the Provisional Government of Hawaii, and all obligations of the Postal Savings Bank are hereby recognized, ratified and confirmed.

## ARTICLE 95.—CROWN LAND.

That portion of the public domain heretofore known as Crown Land is hereby declared to have been heretofore, and now to be, the property of the Hawaiian Government, and to be now free and clear from any trust of or concerning the same, and from all claim of any nature whatsoever, upon the rents, issues and profits thereof. It shall be subject to alienation and other uses as may be provided by law. All valid leases thereof now in existence are hereby confirmed.

## ARTICLE 96.—MAJORITY RULE.

The approval, concurrence, consent, advice, agreement or action of the Legislature, or either House thereof, or of the Executive Council or of the Council of State, or of any Board

of Registration or other public Board, shall not for its validity require the assent of more than a majority, unless otherwise herein required; but in respect of the Executive Council such majority shall be required to include the President.

**ARTICLE 97.—NO PUBLIC AID TO SECTARIAN OR PRIVATE SCHOOLS.**

From and after December thirty-first, 1895, no public money shall be appropriated nor public land conveyed to or for the support or benefit of any sectarian, denominational or private school, or any school not under the exclusive control of the Government.

**ARTICLE 98.—LOTTERIES.**

No lottery shall be authorized in this Republic, nor shall the sale of lottery tickets be allowed.

**ARTICLE 99.—GOVERNMENT OFFICERS NOT TO TAKE FOREIGN EMPLOYMENT.**

No officer of the Republic nor member of the Legislature shall hold any office or receive any pay from any other Government or Power whatever.

**ARTICLE 100.—ADVISORY COUNCIL.**

Until the convening of the first Legislature, in either special or regular session, the members of the Advisory Council of the Provisional Government of the Hawaiian Islands shall constitute a council to be styled the "Advisory Council of the Republic of Hawaii."

The Advisory Council of the Republic of Hawaii and the Executive Council, sitting together, shall be vested with all the

powers and authority heretofore vested in the Executive and Advisory Councils of the said Provisional Government, and also all the powers and authority by this Constitution granted to the Senate or to the Legislature.

Such convening of the Legislature shall thereby terminate the existence, power and authority of the Advisory Council.

ARTICLE 101.—OATH OF OFFICERS, ELECTORS, LEGISLATORS AND JURORS.

No person shall be eligible to be an Officer, Senator or Representative under the Republic, or an Elector of Senators or Representatives, or a Juror, until he shall have taken and subscribed the following oath or affirmation, viz: I do solemnly swear (or affirm), in the presence of Almighty God, that I will support the Constitution, Laws and Government of the Republic of Hawaii; and will not, either directly or indirectly, encourage or assist in the restoration or establishment of a Monarchical form of Government in the Hawaiian Islands.

ARTICLE 102.—INTERPRETATION.

Wherever the word "herein" is used in this Constitution, it shall be deemed to mean and include anything contained in this Constitution or any article or clause thereof, unless the context indicates another construction thereof.

The Titles to Articles and Sections of this Constitution shall not be construed to be a part thereof.

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AMENDMENT OR REVISION OF THE CONSTITUTION.

ARTICLE 103.

SECTION 1. This Constitution may be amended or revised in the following manner, and no other.

SECTION 2. Amendments to this Constitution or a revision thereof, may be proposed by not less than five members of either House at any regular session of the Legislature.

SECTION 3. In order to pass any amendment or revision it shall receive three readings in each House, at each of which readings it shall receive an affirmative vote in each House of not less than a majority of the elective members to which such House is entitled.

The vote shall be taken by a call of the ayes and noes, which, with the proposed amendment or revision, shall be entered on the journal.

SECTION 4. Upon the passage by the Legislature of any amendment or revision of the Constitution as aforesaid, it shall be the duty of the Minister of the Interior to publish such amendment or revision weekly, for the twelve weeks next preceding the succeeding general election to the Legislature, in not less than two newspapers published in Honolulu in the English and Hawaiian languages respectively.

SECTION 5. Such amendment or revision shall be considered by the Legislature at its first regular session following the succeeding general election; and, in order to be finally adopted, shall receive three readings, on different days, in each House, at the first and second of which readings it shall receive an affirmative vote in each House of a majority of the elective members to which such House is entitled; and at the last of which readings it shall receive an affirmative vote in each House of not less than two-thirds of the elective members to which such House is entitled.

The voting shall be taken by a call of the ayes and noes, which, together with the proposed amendment or revision, shall be entered in the journal.

SECTION 6. Each amendment shall be considered and voted upon separately, in each session of the Legislature in which it shall come up for consideration, as herein provided.

SECTION 7. In case of a proposed revision of the Constitution, each component part of such revision forming a separate proposition shall, in like manner, be considered and voted on separately, except upon the final reading at the second session of the Legislature at which such revision shall be considered, when it shall be voted on as a whole.

SECTION 8. Any amendment or revision which shall have been adopted in manner aforesaid by two successive Legisla-

tures, shall thereupon and without further act, become a part of the Constitution of the Republic.

The Constitutional Convention, convened in Honolulu, Island of Oahu, Hawaiian Islands, on the 30th day of May, A. D. 1894, pursuant to the provisions of Act 69 of the Acts of the Provisional Government of the Hawaiian Islands, entitled "An Act to Provide for a Constitutional Convention," approved the 15th day of March, A. D. 1894, and pursuant to the Proclamation of the President summoning said Convention to assemble, having framed and adopted the Constitution hereinbefore set forth; now it is hereby declared, enacted and proclaimed by the Executive and Advisory Councils of the Provisional Government and by the elected Delegates, constituting said Constitutional Convention, that on and after the Fourth day of July, A. D. 1894, the said Constitution shall be the Constitution of the Republic of Hawaii and the Supreme Law of the Hawaiian Islands.

Done in Convention by unanimous consent this third day of July, A. D. One thousand eight hundred and ninety four, in witness whereof we have hereunto subscribed our names.

SANFORD B. DOLE,

*President of the Provisional Government.*

WILLIAM CHAUNCEY WILDER,

*Vice-President.*

FRANCIS MARCH HATCH,

*Minister of Foreign Affairs.*

JAMES ANDERSON KING,

*Minister of the Interior.*

WILLIAM OWEN SMITH,

*Attorney General.*

WILLIAM FESSENDEN ALLEN,

CRISTAL BOLTE,

CECIL BROWN,

JOHN EMMELUTH,

JOHN ENA,

JOHN A. McCANDLESS,

JOSEPH P. MENDONCA,

JAMES FRANCIS MORGAN,

JOHN NOTT,

DAVID BOWERS SMITH,

EDWARD DAVIES TENNEY,

HENRY WATERHOUSE,  
ALEXANDER YOUNG,  
LEMUEL CLARK ABLES,  
HENRY PERRIM BALDWIN,  
CHARLES LUNT CARTER,  
ANTONIO FERNANDES,  
WILLIAM HORNER,  
JOSE KEKAHUNA IOSEPA,  
DAVID HAILI KAHAULELIO,  
JOHN WILLIAM KALUA,  
JOHN KAUHANE,  
ALBERT KUKAILIMOKU KUNUIAKEA,  
FREDERICK S. LYMAN,  
WILLIAM FAWCETT POGUE,  
WILLIAM HYDE RICE,  
ALEXANDER GEORGE MORISON ROBERTSON,  
JOHN MARK VIVAS,  
ALBERT SPENCER WILCOX,  
GEORGE NORTON WILCOX.

Attest:

CHARLES T. RODGERS,  
*Secretary of Convention.*

# Treaty of Annexation of Hawaii, Negotiated in 1897.

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The United States and the Republic of Hawaii, in view of the natural dependence of the Hawaiian Islands upon the United States, of their geographical proximity thereto, of the preponderant share acquired by the United States and its citizens in the industries and trade of said islands and of the expressed desire of the government of the Republic of Hawaii that those islands should be incorporated into the United States as an integral part thereof and under its sovereignty, have determined to accomplish by treaty an object so important to their mutual and permanent welfare.

To this end the high contracting parties have conferred full powers and authority upon their respectively appointed plenipotentiaries, to-wit:

The President of the United States, John Sherman, Secretary of State of the United States.

The President of the Republic of Hawaii, Francis March Hatch, Lorrin A. Thurston, and William A. Kinney.

## ARTICLE I.

The Republic of Hawaii hereby cedes absolutely and without reserve to the United States of America all rights of sovereignty of whatsoever kind in and over the Hawaiian Islands and their dependencies; and it is agreed that all territory of and appertaining to the Republic of Hawaii is hereby annexed to the United States of America under the name of the Territory of Hawaii.



## ARTICLE II.

The Republic of Hawaii also cedes and hereby transfers to the United States the absolute fee and ownership of all public, government or crown lands, public buildings, or edifices, ports, harbors, military equipments, and all other public property of every kind and description belonging to the Government of the Hawaiian Islands, together with every right and appurtenance thereunto appertaining.

The existing laws of the United States relative to public lands shall not apply to such lands in the Hawaiian Islands, but the Congress of the United States shall enact special laws for their management and disposition. Provided, that all revenues from or proceeds of the same, except as regards such part thereof as may be used or occupied for the civil, military or naval purposes of the United States, or may be assigned for the use of the local government, shall be used solely for the benefit of the inhabitants of the Hawaiian Islands for educational and other public purposes.

## ARTICLE III.

Until Congress shall provide for the government of such islands all the civil, judicial and military powers exercised by the officers of the existing government in said islands shall be vested in such person or persons, and shall be exercised in such manner as the President of the United States shall direct: and the President shall have power to remove said officers and fill the vacancies so occasioned.

The existing treaties of the Hawaiian Islands with foreign nations shall forthwith cease and determine, being replaced by such treaties as may exist, or as may be hereafter concluded between the United States and such foreign nations. The municipal legislation of the Hawaiian Islands, not enacted for the fulfillment of the treaties so extinguished, and not inconsistent with this treaty nor contrary to the Constitution of the United States, nor to any existing treaty of the United States, shall remain in force until the Congress of the United States shall otherwise determine.

Until legislation shall be enacted extending the United States customs laws and regulations to the Hawaiian Islands, the existing customs relations of the Hawaiian Islands with the United States and other countries shall remain unchanged.

## ARTICLE IV.

The public debt of the Republic of Hawaii, lawfully existing at the date of the exchange of the ratifications of the treaty, including the amounts due to depositors in the Hawaiian Postal Savings Bank, is hereby assumed by the government of the United States, but the liability of the United States in this regard shall in no case exceed \$4,000,000. So long, however, as the existing government and the present commercial relations of the Hawaiian Islands are continued, as hereinbefore provided, said government shall continue to pay the interest on said debt.

## ARTICLE V.

There shall be no further immigration of Chinese into the Hawaiian Islands, except upon such conditions as are now or may hereafter be allowed by the laws of the United States, and no Chinese by reason of anything herein contained shall be allowed to enter the United States from the Hawaiian Islands.

## ARTICLE VI.

The President shall appoint five commissioners, at least two of whom shall be residents of the Hawaiian Islands, who shall, as soon as reasonable and practicable, recommend to Congress such legislation for the Territory of Hawaii as they shall deem necessary or proper.

## ARTICLE VII.

This treaty shall be ratified by the President of the United States, by and with the advice and consent of the Senate, on the one part; and by the President of the Republic of Hawaii, by and with the advice and consent of the Senate, in accordance with the Constitution of said Republic, on the other; and the ratifications hereof shall be exchanged at Washington as soon as possible.

In witness whereof the respective plenipotentiaries have signed the above articles and have hereunto affixed their seals.

Done in duplicate at the city of Washington, this sixteenth day of June, one thousand, eight hundred and ninety-seven.

JOHN SHERMAN.	[SEAL.]
FRANCIS MARCH HATCH.	[SEAL.]
LORRIN A. THURSTON.	[SEAL.]
WILLIAM A. KINNEY.	[SEAL.]

# Resolution of the Senate of Hawaii Ratifying the Treaty of Annexation of 1897.

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*Be It Resolved*, by the Senate of the Republic of Hawaii:

That the Senate hereby ratifies and advises and consents to the ratification by the President of the treaty between the Republic of Hawaii and the United States of America on the subject of the annexation of the Hawaiian Islands to the United States of America concluded at Washington on the 16th day of June, A. D. 1897, which treaty is word for word as follows:

“The Republic of Hawaii and the United States of America, in view of the natural dependence of the Hawaiian Islands upon the United States, of their geographical proximity thereto, of the preponderant share acquired by the United States and its citizens in the industries and trade of said Islands, and of the expressed desire of the government of the Republic of Hawaii that those Islands should be incorporated into the United States as an integral part thereof, and under its sovereignty, have determined to accomplish by treaty an object so important to their mutual and permanent welfare.

“To this end the high contracting parties have conferred full powers and authority upon their respectively appointed plenipotentiaries, to wit:

“The President of the Republic of Hawaii: Francis March Hatch, Lorrin A. Thurston, and William A. Kinney:

“The President of the United States: John Sherman, Secretary of State of the United States.

## ARTICLE I.

“The Republic of Hawaii hereby cedes absolutely and without reserve to the United States of America all rights of sovereignty of whatsoever kind in and over the Hawaiian Islands and their dependencies; and it is agreed that all the territory of and appertaining to the Republic of Hawaii is hereby annexed to the United States of America under the name of the Territory of Hawaii.

## ARTICLE II.

**"The Republic of Hawaii also cedes and hereby transfers to the United States the absolute fee and ownership of all public, government or crown lands, public buildings or edifices, ports, harbors, military equipments, and all other public property of every kind and description belonging to the government of the Hawaiian Islands, together with every right and appurtenance thereunto appertaining.**

**"The existing laws of the United States relative to public lands shall not apply to such lands in the Hawaiian Islands; but the Congress of the United States shall enact special laws for their management and disposition. Provided: that all revenue from or proceeds of the same, except as regards such part thereof as may be used or occupied for the civil, military or naval purposes of the United States, or may be assigned for the use of the local government, shall be used solely for the benefit of the inhabitants of the Hawaiian Islands for educational and other public purposes.**

## ARTICLE III.

**"Until Congress shall provide for the government of such Islands, all the civil, judicial and military powers exercised by the officers of the existing government in said Islands, shall be vested in such person or persons, and shall be exercised in such manner as the President of the United States shall direct; and the President shall have power to remove said officers and fill the vacancies so occasioned.**

**"The existing treaties of the Hawaiian Islands with foreign nations shall forthwith cease and determine, being replaced by such treaties as may exist, or as may be hereafter concluded between the United States and such foreign nations. The municipal legislation of the Hawaiian Islands, not enacted for the fulfillment of the treaty so extinguished, and not inconsistent with this treaty, not contrary to the Constitution of the United States, nor to any existing treaty of the United States, shall remain in force until the Congress of the United States shall otherwise determine.**

**"Until legislation shall be enacted extending the United States Customs laws and regulations to the Hawaiian Islands, the existing Customs relations of the Hawaiian Islands with the United States and other countries shall remain unchanged.**

## ARTICLE IV.

"The public debt of the Republic of Hawaii, lawfully existing at the date of the exchange of the ratifications of this Treaty, including the amounts due to depositors in the Hawaiian Postal Savings Bank, is hereby assumed by the Government of the United States; but the liability of the United States in this regard shall in no case exceed \$4,000,000. So long, however, as the existing government and the present commercial relations of the Hawaiian Islands are continued, as hereinbefore provided, said Government shall continue to pay the interest on said debt.

## ARTICLE V.

"There shall be no further immigration of Chinese into the Hawaiian Islands, except upon such conditions as are now or may hereafter be allowed by the laws of the United States, and no Chinese by reason of anything herein contained shall be allowed to enter the United States from the Hawaiian Islands.

## ARTICLE VI.

"The President shall appoint five Commissioners, at least two of whom shall be residents of the Hawaiian Islands, who shall, as soon as reasonably practical, recommend to Congress such legislation concerning the Territory of Hawaii as they shall deem necessary or proper.

## ARTICLE VII.

"This treaty shall be ratified by the President of the Republic of Hawaii, by and with the advice and consent of the Senate, in accordance with the Constitution of the said Republic, on the one part; and by the President of the United States, by and with the advice and consent of the Senate, on the other; and the ratifications hereof shall be exchanged at Washington as soon as possible.

"In witness whereof, the respective plenipotentiaries have signed the above articles, and have hereunto affixed their seals.

"Done in duplicate at the City of Washington, this sixteenth day of June, one thousand eight hundred and ninety-seven.

"FRANCIS MARCH HATCH,  
"LORRIN A. THURSTON,  
"WILLIAM A. KINNEY,  
"JOHN SHERMAN.

"I hereby certify that the foregoing Resolution was unanimously adopted at the Special Session of the Senate of the Republic of Hawaii on the 9th day of September, A. D. 1897.

"WILLIAM C. WILDER,  
"President.

"Attest:

"J. F. CLAY,  
"Clerk of Senate."

# Joint Resolution

TO PROVIDE FOR ANNEXING THE HAWAIIAN ISLANDS TO THE UNITED STATES.

## **PUBLIC RESOLUTION No. 51, 55th CONGRESS, 2nd SESSION.**

Whereas the Government of the Republic of Hawaii having, in due form, signified its consent, in the manner provided by its constitution, to cede absolutely and without reserve to the United States of America all rights of sovereignty of whatsoever kind in and over the Hawaiian Islands and their dependencies, and also to cede and transfer to the United States the absolute fee and ownership of all public, Government or Crown lands, public buildings or edifices, ports, harbors, military equipment, and all other public property of every kind and description belonging to the Government of the Hawaiian Islands, together with every right and appurtenance thereunto appertaining: Therefore

**RESOLVED BY THE SENATE AND HOUSE OF REPRESENTATIVES OF THE UNITED STATES OF AMERICA IN CONGRESS ASSEMBLED,** That said cession is accepted, ratified, and confirmed, and that the said Hawaiian Islands and their dependencies be, and they are hereby, annexed as a part of the territory of the United States, and are subject to the sovereign dominion thereof, and that all and singular the property and rights hereinbefore mentioned are vested in the United States of America.

The existing laws of the United States relative to public lands shall not apply to such lands in the Hawaiian Islands; but the Congress of the United States shall enact special laws for their management and disposition: **PROVIDED,** That all revenue from or proceeds of the same, except as regards such part thereof as may be used or occupied for the civil, military, or naval purposes of the United States, or may be assigned for the use of the local government, shall be used solely for the benefit of the inhabitants of the Hawaiian Islands for educational and other public purposes.

Until Congress shall provide for the government of such islands all the civil, judicial, and military powers exercised by the officers of the existing government in said islands shall be vested in such person or persons and shall be exercised in such manner as the President of the United States shall direct; and the President shall have the power to remove said officers and fill the vacancies so occasioned.

The existing treaties of the Hawaiian Islands with foreign nations shall forthwith cease and determine, being replaced by such



treaties as may exist, or as may be hereafter concluded, between the United States and such foreign nations. The municipal legislation of the Hawaiian Islands, not enacted for the fulfillment of the treaties so extinguished, and not inconsistent with this joint resolution nor contrary to the Constitution of the United States nor to any existing treaty of the United States, shall remain in force until the Congress of the United States shall otherwise determine.

Until legislation shall be enacted extending the United States customs laws and regulations to the Hawaiian Islands the existing customs relations of the Hawaiian Islands with the United States and other countries shall remain unchanged.

The public debt of the Republic of Hawaii, lawfully existing at the date of the passage of this joint resolution, including the amounts due to depositors in the Hawaiian Postal Savings Bank, is hereby assumed by the Government of the United States; but the liability of the United States in this regard shall in no case exceed four million dollars. So long, however, as the existing Government and the present commercial relations of the Hawaiian Islands are continued as hereinbefore provided said Government shall continue to pay the interest on said debt.

There shall be no further immigration of Chinese into the Hawaiian Islands, except upon such conditions as are now or may hereafter be allowed by the laws of the United States; no Chinese, by reason of anything herein contained, shall be allowed to enter the United States from the Hawaiian Islands.

The President shall appoint five commissioners, at least two of whom shall be residents of the Hawaiian Islands, who shall, as soon as reasonably practicable, recommend to Congress such legislation concerning the Hawaiian Islands as they shall deem necessary or proper.

Sec. 2. That the commissioners hereinbefore provided for shall be appointed by the President, by and with the advice and consent of the Senate.

Sec. 3. That the sum of one hundred thousand dollars, or so much thereof as may be necessary, is hereby appropriated, out of any money in the Treasury not otherwise appropriated, and to be immediately available, to be expended at the discretion of the President of the United States of America, for the purpose of carrying this joint resolution into effect.

SERENO E. PAYNE,

Speaker of the House of Representatives Pro Tempore.

GARRET A. HOBART,

Vice-President of the United States and President of the Senate.

Approved July 7th, 1898.

WILLIAM McKINLEY.

# Documents and Procedure Incidental to the Transfer of Sovereignty from the Republic of Hawaii to the United States of America,

August 12th, 1898, and Executive Orders of President McKinley, issued during the transition period, 1898-1900.

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The transfer of sovereignty took place on a platform erected in front of the Executive Building. Harold M. Sewall, Minister of the United States to the Republic of Hawaii, addressing Sanford B. Dole, President of the Republic of Hawaii, said:

"Mr. President, I present you a certified copy of a joint resolution of the Congress of the United States, approved by the President on July 7th, 1898, entitled 'Joint Resolution to provide for annexing the Hawaiian Islands to the United States.'

"This joint resolution accepts, ratifies and confirms, on the part of the United States, the cession formally consented to and approved by the Republic of Hawaii."

Sanford B. Dole, President of the Republic of Hawaii, addressing Harold M. Sewall, Minister of the United States to the Republic of Hawaii, replied:

"A treaty of political union having been made, and the cession formally consented to and approved by the Republic of Hawaii, having been accepted by the United States of America, I now, in the interest of the Hawaiian body politic, and with full confidence in the honor, justice and friendship of the American people, yield up to you as the representative of the Government of the United States, the sovereignty and public property of the Hawaiian Islands."

Minister Sewall, replying to President Dole, then said:

"Mr. President: In the name of the United States, I accept the transfer of the sovereignty and property of the Hawaiian Government.

"The Admiral commanding the United States naval forces in these waters will proceed to perform the duty entrusted to him."

(This duty was to raise the American flag over the Executive Building.)

The Hawaiian flag was then lowered from the central staff on the Executive Building by a representative of the Hawaiian National Guard; and, by order of Admiral Miller, the American flag was raised in its place, by a representative of the United States Navy.

The following proclamation was then read by Minister Sewall:

“To the Government and the People of the Hawaiian Islands:

“By the terms of the Joint Resolution by which the cession of the Hawaiian Islands and their dependencies to the United States is concluded, it is provided that until Congress shall provide for the Government of Hawaii, all the civil, judicial, and military powers exercised by the officers of the existing Government are to be vested in such person or persons, and to be exercised in such manner, as the President of the United States shall direct.

“In the exercise of the power thus conferred on him by the Joint Resolution, the President hereby directs that the civil, judicial, and military powers in question shall be exercised by the Officers of the Republic of Hawaii, as it existed just prior to the transfer of sovereignty, subject to his power to remove such officers and to fill vacancies.

“All such officers will be required at once to take an oath of allegiance to the United States, and all military forces shall be required to take a similar oath, and all bonded officers will be required to renew their bonds to the Government of the United States.

“The powers of the Minister of Foreign Affairs will, upon the transfer of the sovereignty and property of Hawaii to the United States, necessarily cease, so far as they relate to the conduct of diplomatic intercourse between Hawaii and foreign powers.

“The municipal legislation of Hawaii, except such as was enacted for the fulfillment of the treaties between that country and foreign nations, and except such as is inconsistent with the Joint Resolution, or contrary to the Constitution of the United States, or to any existing treaty of the United States, is to remain in force till the Congress of the United States shall otherwise determine.

“The existing customs relations of Hawaii with the United States and with other countries are to remain unchanged till Congress shall have extended the customs laws and regulations of the United States to the Islands.

"Under these various provisions, the Government of the Islands will proceed without interruption."

HAROLD M. SEWALL,

Envoy Extraordinary and Minister Plenipotentiary of the United States of America.

Honolulu, H. I., August 12, 1898.

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EXECUTIVE ORDER, NO. 1.

By the President of the United States.

In the exercise of the power conferred upon him by the Joint Resolution of Congress, approved by the President on July 7, 1898, entitled "Joint Resolution to Provide for Annexing the Hawaiian Islands to the United States," the President of the United States hereby directs that the General Election provided for by the Constitution of the Republic of Hawaii to be held on the last Wednesday in September next, shall not be held. All elective officers whose terms of office shall expire before appropriate legislation shall have been enacted by the Congress of the United States, shall be continued in their offices at the pleasure of the President of the United States.

(Seal) In witness whereof, I have caused the seal of the United States to be hereunto affixed.

Washington, May 13, 1899.

WILLIAM McKINLEY.

By the President:

JOHN HAY,

Secretary of State.

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EXECUTIVE ORDER, NO. 2.

By the President of the United States of America.

The President of the United States hereby directs that all proceedings taken or pending for the sale or disposition of the

(This duty was to raise the American flag over the Executive Building.)

The Hawaiian flag was then lowered from the central staff on the Executive Building by a representative of the Hawaiian National Guard; and, by order of Admiral Miller, the American flag was raised in its place, by a representative of the United States Navy.

The following proclamation was then read by Minister Sewall:

"To the Government and the People of the Hawaiian Islands:

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"In the exercise of the power thus conferred on him by the Joint Resolution, the President hereby directs that the civil, judicial, and military powers in question shall be exercised by the Officers of the Republic of Hawaii, as it existed just prior to the transfer of sovereignty, subject to his power to remove such officers and to fill vacancies.

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"The municipal legislation of Hawaii, except such as was enacted for the fulfillment of the treaties between that country and foreign nations, and except such as is inconsistent with the Joint Resolution, or contrary to the Constitution of the United States, or to any existing treaty of the United States, is to remain in force till the Congress of the United States shall otherwise determine.

"The existing customs relations of Hawaii with the United States and with other countries are to remain unchanged till Congress shall have extended the customs laws and regulations of the United States to the Islands.

"Under these various provisions, the Government of the Islands will proceed without interruption."

HAROLD M. SEWALL,

Envoy Extraordinary and Minister Plenipotentiary of the United States of America.

Honolulu, H. I., August 12, 1898.

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EXECUTIVE ORDER, NO. 1.

By the President of the United States.

In the exercise of the power conferred upon him by the Joint Resolution of Congress, approved by the President on July 7, 1898, entitled "Joint Resolution to Provide for Annexing the Hawaiian Islands to the United States," the President of the United States hereby directs that the General Election provided for by the Constitution of the Republic of Hawaii to be held on the last Wednesday in September next, shall not be held. All elective officers whose terms of office shall expire before appropriate legislation shall have been enacted by the Congress of the United States, shall be continued in their offices at the pleasure of the President of the United States.

(Seal) In witness whereof, I have caused the seal of the United States to be hereunto affixed.

Washington, May 13, 1899.

WILLIAM McKINLEY.

By the President:

JOHN HAY,

Secretary of State.

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EXECUTIVE ORDER, NO. 2.

By the President of the United States of America.

The President of the United States hereby directs that all proceedings taken or pending for the sale or disposition of the

public lands in the Hawaiian Islands shall be discontinued; and that if any sales or agreements for sale of said public lands have been made since the adoption of the Resolution of Annexation, the purchasers shall be notified that the same are null and void, and any consideration paid to the local authorities on account thereof shall be refunded.

(Seal) In witness whereof, I have caused the seal of  
the United States to be hereunto affixed.  
Washington, September 11, 1899.

WILLIAM McKINLEY.

By the President:

ALVEY A. ADEE,  
Acting Secretary of State.

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EXECUTIVE ORDER, NO. 3.

By the President of the United States.

In the exercise of the power conferred upon him by the Joint Resolution of Congress, approved by the President on July 7, 1898, entitled "Joint Resolution to Provide for Annexing the Hawaiian Islands to the United States," the President of the United States hereby directs that the issue of registers to vessels by the authorities of Hawaii, entitling such vessels to all the rights and privileges of Hawaiian vessels in the ports of nations or upon the high seas, shall hereafter cease.

(Seal) In witness whereof, I have caused the seal of  
the United States to be hereunto affixed.  
Washington, September 18, 1899.

WILLIAM McKINLEY.

By the President:

ALVEY A. ADEE,  
Acting Secretary of State.

# The Act of Congress Organizing Hawaii into a Territory

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An Act to provide a government for the Territory of Hawaii.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

## CHAPTER I.—GENERAL PROVISIONS.

### DEFINITIONS.

SEC. 1. That the phrase "the laws of Hawaii," as used in this Act without qualifying words, shall mean the constitution and laws of the Republic of Hawaii, in force on the twelfth day of August, eighteen hundred and ninety-eight, at the time of the transfer of the sovereignty of the Hawaiian Islands to the United States of America.

The constitution and statute laws of the Republic of Hawaii then in force, set forth in a compilation made by Sidney M. Ballou under the authority of the legislature, and published in two volumes entitled "Civil Laws" and "Penal Laws," respectively, and in the Session Laws of the Legislature for the session of eighteen hundred and ninety-eight, are referred to in this Act as "Civil Laws," "Penal Laws," and "Session Laws."

### TERRITORY OF HAWAII.

SEC. 2. That the islands acquired by the United States of America under an Act of Congress entitled "Joint resolution to provide for annexing the Hawaiian Islands to the United States," approved July seventh, eighteen hundred and ninety-eight, shall be known as the Territory of Hawaii.



## GOVERNMENT OF THE TERRITORY OF HAWAII.

SEC. 3. That a Territorial government is hereby established over the said Territory, with its capital at Honolulu, on the island of Oahu.

## CITIZENSHIP.

SEC. 4. That all persons who were citizens of the Republic of Hawaii on August twelfth, eighteen hundred and ninety-eight, are hereby declared to be citizens of the United States and citizens of the Territory of Hawaii.

And all citizens of the United States resident in the Hawaiian Islands who were resident there on or since August twelfth, eighteen hundred and ninety-eight, and all the citizens of the United States who shall hereafter reside in the Territory of Hawaii for one year shall be citizens of the Territory of Hawaii.

## APPLICATION OF THE LAWS OF THE UNITED STATES.

SEC. 5. That the Constitution, and, except as herein otherwise provided, all the laws of the United States which are not locally inapplicable, shall have the same force and effect within the said Territory as elsewhere in the United States: *Provided*, That sections eighteen hundred and fifty and eighteen hundred and ninety of the Revised Statutes of the United States shall not apply to the Territory of Hawaii.

## LAWS OF HAWAII.

SEC. 6. That the laws of Hawaii not inconsistent with the Constitution or laws of the United States or the provisions of this Act shall continue in force, subject to repeal or amendment by the legislature of Hawaii or the Congress of the United States.

SEC. 7. That the constitution of the Republic of Hawaii and the laws of Hawaii, as set forth in the following acts, chapters, and sections of the civil laws, penal laws, and session laws, and relating to the following subjects, are hereby repealed:

CIVIL LAWS: Sections two and three, Promulgation of laws; chapter five, Flag and seal; sections thirty to thirty-three, inclusive, Tenders for supplies; chapter seven, Minister of foreign af-

fairs; chapter eight, Diplomatic and consular agents; sections one hundred and thirty-four and one hundred and thirty-five, National museum; chapter twelve, Education of Hawaiian youths abroad; sections one hundred and fifty to one hundred and fifty-six, inclusive, Aid to board of education; chapter fourteen, Minister of the interior; sections one hundred and sixty-six to one hundred and sixty-eight, inclusive, one hundred and seventy-four and one hundred and seventy-five, Government lands; section one hundred and ninety, Board of commissioners of public lands; section four hundred and twenty-four, Bureau of agriculture and forestry; chapter thirty-one, Agriculture and manufactures; chapter thirty-two, Ramie; chapter thirty-three, Taro flour; chapter thirty-four, Development of resources; chapter thirty-five, Agriculture; section four hundred and seventy-seven, Brands; chapter thirty-seven, Patents; chapter thirty-eight, copyrights; sections five hundred and fifty-six and five hundred and fifty-seven, Railroad subsidy; chapter forty-seven, Pacific cable; chapter forty-eight, Hospitals; chapter fifty-one, Coins and currency; chapter fifty-four, Consolidation of public debt; chapter fifty-six, Post-office; chapter fifty-seven, Exemptions from postage; chapter fifty-eight, Postal savings banks; chapter sixty-five, Import duties; chapter sixty-six, Imports; chapter sixty-seven, Ports of entry and collection districts; chapter sixty-eight, Collectors; chapter sixty-nine, Registry of vessels; section one thousand and eleven, Custom-house charges; section eleven hundred and two, Elections; section eleven hundred and thirty-two, Appointment of magistrate; last clause of first subdivision and fifth subdivision of section eleven hundred and forty-four, first subdivision of section eleven hundred and forty-five, Jurisdiction; sections eleven hundred and seventy-three to eleven hundred and seventy-eight, inclusive, Translation of decisions; section eleven hundred and eighty-eight, Clerks of court; sections thirteen hundred and twenty-nine, thirteen hundred and thirty-one, thirteen hundred and thirty-two, thirteen hundred and forty-seven to thirteen hundred and fifty-four, inclusive, Juries; sections fifteen hundred and nine to fifteen hundred and fourteen, inclusive, Maritime matters; chapter one hundred and two, Naturalization; section sixteen hundred and seventy-eight, Habeas corpus; chapter one hundred and eight, Arrest of debtors; subdivisions six, seven, ten, twelve to fourteen of section seventeen hundred and thirty-six, Garnishment; sections seventeen hundred and fifty-five to seventeen hundred and fifty-eight, inclusive, Liens on vessels;

chapter one hundred and sixteen, Bankruptcy; and sections eighteen hundred and twenty-eight to eighteen hundred and thirty-two, inclusive, Water rights.

**PENAL LAWS:** Chapter six, Treason; section sixty-five to sixty-seven, inclusive, Foot binding; chapter seventeen, Violation of postal laws; section three hundred and fourteen, Blasphemy; sections three hundred and seventy-one to three hundred and seventy-two, inclusive, Vagrants; sections four hundred and eleven to four hundred and thirteen, inclusive, Manufacture of liquors; chapter forty-three, Offenses on the high seas and other waters; sections five hundred and ninety-five and six hundred and two to six hundred and five, inclusive, Jurisdiction; section six hundred and twenty-three, Procedure; sections seven hundred and seven hundred and one, Imports; section seven hundred and fifteen, Auction license; section seven hundred and forty-five, Commercial travelers; sections seven hundred and forty-eight to seven hundred and fifty-five, inclusive, Firearms; sections seven hundred and ninety-six to eight hundred and nine, inclusive, Coasting trade; sections eight hundred and eleven and eight hundred and twelve, Peddling foreign goods; sections eight hundred and thirteen to eight hundred and fifteen, inclusive, Importation of live stock; section eight hundred and nineteen, Imports; sections eight hundred and eighty-six to nine hundred and six, inclusive, Quarantine; section eleven hundred and thirty-seven, Consuls and consular agents; chapter sixty-seven, Whale ships; sections eleven hundred and forty-five to eleven hundred and seventy-nine, inclusive, and twelve hundred and four to twelve hundred and nine, inclusive, Arrival, entry, and departure of vessels; chapters sixty-nine to seventy-six, inclusive, Navigation and other matters within the exclusive jurisdiction of the United States; sections thirteen hundred and forty-seven and thirteen hundred and forty-eight, Fraudulent exportation; chapter seventy-eight, Masters and servants; chapter ninety-three, Immigration; sections sixteen hundred and one, sixteen hundred and eight, and sixteen hundred and twelve, Agriculture and forestry; chapter ninety-six, Seditious offenses; and chapter ninety-nine, Sailing regulations.

**SESSION LAWS:** Act fifteen, Elections; Act twenty-six, Duties; Act twenty-seven, Exemptions from duties; Act thirty-two, Registry of vessels; section four of Act thirty-eight, Importation of live stock; Act forty-eight, Pacific cable; Act sixty-five, Consolidation of public debt; Act sixty-six, Ports of entry; and Act sixty-eight, Chinese immigration.

## CERTAIN OFFICES ABOLISHED.

SEC. 8. That the offices of President, minister of foreign affairs, minister of the interior, minister of finance, minister of public instruction, auditor-general, deputy auditor-general, surveyor-general, marshal, and deputy marshal of the Republic of Hawaii are hereby abolished.

## AMENDMENT OF OFFICIAL TITLES.

SEC. 9. That wherever the words "President of the Republic of Hawaii," or "Republic of Hawaii," or "Government of the Republic of Hawaii," or their equivalents, occur in the laws of Hawaii not repealed by this Act, they are hereby amended to read "Governor of the Territory of Hawaii," or "Territory of Hawaii," or "Government of the Territory of Hawaii," or their equivalents, as the context requires.

## CONSTRUCTION OF EXISTING STATUTES.

SEC. 10. That all rights of action, suits at law and in equity, prosecutions, and judgments existing prior to the taking effect of this Act shall continue to be as effectual as if this Act had not been passed; and those in favor of or against the Republic of Hawaii, and not assumed by or transferred to the United States, shall be equally valid in favor of or against the government of the Territory of Hawaii. All offenses which by statute then in force were punishable as offenses against the Republic of Hawaii shall be punishable as offenses against the government of the Territory of Hawaii, unless such statute is inconsistent with this Act, or shall be repealed or changed by law. No person shall be subject to imprisonment for nonpayment of taxes nor for debt. All criminal and penal proceedings then pending in the courts of the Republic of Hawaii shall be prosecuted to final judgment and execution in the name of the Territory of Hawaii; all such proceedings, all actions at law, suits in equity, and other proceedings then pending in the courts of the Republic of Hawaii shall be carried on to final judgment and execution in the corresponding courts of the Territory of Hawaii; and all process issued and sentences imposed before this Act takes effect shall be as valid as if issued or imposed in the name of the Territory of Hawaii: *Provided*, That no suit or proceedings shall be main-

tained for the specific performance of any contract heretofore or hereafter entered into for personal labor or service, nor shall any remedy exist or be enforced for breach of any such contract, except in a civil suit or proceedings instituted solely to recover damages for such breach: *Provided further*, That the provisions of this section shall not modify or change the laws of the United States applicable to merchant seamen.

That all contracts made since August twelfth, eighteen hundred and ninety-eight, by which persons are held for service for a definite term, are hereby declared null and void and terminated, and no law shall be passed to enforce said contracts in any way; and it shall be the duty of the United States marshal to at once notify such persons so held of the termination of their contracts.

That the Act approved February twenty-six, eighteen hundred and eighty-five, "To prohibit the importation and migration of foreigners and aliens under contract or agreement to perform labor in the United States, its Territories, and the District of Columbia," and the Acts amendatory thereof and supplemental thereto, be, and the same are hereby, extended to and made applicable to the Territory of Hawaii.

#### STYLE OF PROCESS.

SEC. 11. That the style of all process in the Territorial courts shall hereafter run in the name of "The Territory of Hawaii," and all prosecutions shall be carried on in the name and by the authority of the Territory of Hawaii.

### CHAPTER II.—THE LEGISLATURE.

#### THE LEGISLATIVE POWER.

SEC. 12. That the legislature of the Territory of Hawaii shall consist of two houses, styled, respectively, the senate and house of representatives, which shall organize and sit separately, except as otherwise herein provided.

The two houses shall be styled "The legislature of the Territory of Hawaii."

SEC. 13. That no person shall sit as a senator or representative in the legislature unless elected under and in conformity with this Act.

## GENERAL ELECTIONS.

SEC. 14. That a general election shall be held on the Tuesday next after the first Monday in November, nineteen hundred, and every second year thereafter: *Provided, however,* That the governor may, in his discretion, on thirty days' notice, order a special election before the first general election, if, in his opinion, the public interests shall require a special session of the legislature.

## EACH HOUSE JUDGE OF QUALIFICATIONS OF MEMBERS.

SEC. 15. That each house shall be the judge of the elections, returns, and qualifications of its own members.

## DISQUALIFICATIONS OF LEGISLATORS.

SEC. 16. That no member of the legislature shall, during the term for which he is elected, be appointed or elected to any office of the Territory of Hawaii.

## DISQUALIFICATIONS OF GOVERNMENT OFFICERS AND EMPLOYEES.

SEC. 17. That no person holding office in or under or by authority of the Government of the United States or of the Territory of Hawaii shall be eligible to election to the legislature, or to hold the position of a member of the same while holding said office.

SEC. 18. No idiot or insane person, and no person who shall be expelled from the legislature for giving or receiving bribes or being accessory thereto, and no person who, in due course of law, shall have been convicted of any criminal offense punishable by imprisonment, whether with or without hard labor, for a term exceeding one year, whether with or without fine, shall register to vote or shall vote or hold any office in, or under, or by authority of, the government, unless the person so convicted shall have been pardoned and restored to his civil rights.

## OATH OF OFFICE.

SEC. 19. That every member of the legislature, and all officers of the government of the Territory of Hawaii, shall take the following oath or affirmation:

I solemnly swear (or affirm), in the presence of Almighty God, that I will faithfully support the Constitution and laws of the United States, and conscientiously and impartially discharge my duties as a member of the legislature, or as an officer of the government of the Territory of Hawaii (as the case may be).

#### OFFICERS AND RULES.

SEC. 20. That the senate and house of representatives shall each choose its own officers, determine the rules of its own proceedings, not inconsistent with this Act, and keep a journal.

#### AYES AND NOES.

SEC. 21. That the ayes and noes of the members on any question shall, at the desire of one-fifth of the members present, be entered on the journal.

#### QUORUM.

SEC. 22. That a majority of the number of members to which each house is entitled shall constitute a quorum of such house for the conduct of ordinary business, of which quorum a majority vote shall suffice; but the final passage of a law in each house shall require the vote of a majority of all the members to which such house is entitled.

SEC. 23. That a smaller number than a quorum may adjourn from day to day, and compel the attendance of absent members, in such manner and under such penalties as each house may provide.

SEC. 24. That, for the purpose of ascertaining whether there is a quorum present, the chairman shall count the number of members present.

#### PUNISHMENT OF PERSONS NOT MEMBERS.

SEC. 25. That each house may punish by fine, or by imprisonment not exceeding thirty days, any person not a member of either house who shall be guilty of disrespect of such house by any disorderly or contemptuous behavior in its presence or that of any committee thereof; or who shall, on account of the exercise of any legislative function, threaten harm to the body or

estate of any of the members of such house; or who shall assault, arrest, or detain any witness or other person ordered to attend such house, on his way going to or returning therefrom; or who shall rescue any person arrested by order of such house.

But the person charged with the offense shall be informed, in writing, of the charge made against him, and have an opportunity to present evidence and be heard in his own defense.

#### COMPENSATION OF MEMBERS.

SEC. 26. That the members of the legislature shall receive for their services, in addition to mileage at the rate of ten cents a mile each way, the sum of four hundred dollars for each regular session of the legislature, payable in three equal installments on and after the first, thirtieth, and fiftieth days of the session, and the sum of two hundred dollars for each extra session of the legislature.

#### PUNISHMENT OF MEMBERS.

SEC. 27. That each house may punish its own members for disorderly behavior or neglect of duty, by censure, or by a two-thirds vote suspend or expel a member.

#### EXEMPTION FROM LIABILITY.

SEC. 28. That no member of the legislature shall be held to answer before any other tribunal for any words uttered in the exercise of his legislative functions in either house.

#### EXEMPTION FROM ARREST.

SEC. 29. That the members of the legislature shall, in all cases except treason, felony, or breach of the peace, be privileged from arrest during their attendance at the sessions of the respective houses, and in going to and returning from the same: *Provided*, That such privilege as to going and returning shall not cover a period of over ten days each way.



## THE ORGANIC ACT.

## THE SENATE.

## NUMBER OF MEMBERS.

SEC. 30. That the senate shall be composed of fifteen members, who shall hold office for four years: *Provided, however,* That of the senators elected at the first general election, two from the first district, one from the second, three from the third, and one from the fourth district shall hold office for two years only, the details of such apportionment to be provided for by the legislature.

## VACANCIES.

SEC. 31. That vacancies caused by death, resignation, or otherwise shall be filled for the unexpired term at general or special elections.

## SENATORIAL DISTRICTS.

SEC. 32. That for the purpose of representation in the senate, until otherwise provided by law, the Territory is divided into the following senatorial districts, namely:

First district: The island of Hawaii.

Second district: The islands of Maui, Molokai, Lanai, and Kahoolawe.

Third district: The island of Oahu.

Fourth district: The islands of Kauai and Niihau.

SEC. 33. That the electors in the said districts shall be entitled to elect senators as follows:

In the first district, four;

In the second district, three;

In the third district, six;

In the fourth district, two.

## QUALIFICATIONS OF SENATORS.

SEC. 34. That in order to be eligible to election as a senator a person shall—

Be a male citizen of the United States;

Have attained the age of thirty years;

Have resided in the Hawaiian Islands not less than three years and be qualified to vote for senators in the district from which he is elected.

## THE HOUSE OF REPRESENTATIVES.

## NUMBER OF REPRESENTATIVES.

SEC. 35. That the house of representatives shall be composed of thirty members, elected, except as herein provided, every second year.

## TERM OF OFFICE.

SEC. 36. That the term of office of the representatives elected at any general or special election shall be until the next general election held thereafter.

## VACANCIES.

SEC. 37. That vacancies in the office of representative caused by death, resignation, or otherwise shall be filled for the unexpired term at special elections.

## REPRESENTATIVE DISTRICTS.

SEC. 38. That for the purpose of representation in the house of representatives, until otherwise provided by law, the Territory is divided into the following representative districts, namely:

First district: That portion of the island of Hawaii known as Puna, Hilo, and Hamakua.

Second district: That portion of the island of Hawaii known as Kau, Kona, and Kohala.

Third district: The islands of Maui, Molokai, Lanai, and Kahoolawe.

Fourth district: That portion of the island of Oahu lying east and south of Nuuanu street and a line drawn in extension thereof from the Nuuanu Pali to Mokapu Point.

Fifth district: That portion of the island of Oahu lying west and north of the fourth district.

Sixth district: The islands of Kauai and Niihau.

## THE ORGANIC ACT.

## APPORTIONMENT.

SEC. 39. That the electors in the said districts shall be entitled to elect representatives as follows:

- In the first district, four;
- In the second district, four;
- In the third district, six;
- In the fourth district, six;
- In the fifth district, six;
- In the sixth district, four.

## QUALIFICATIONS OF REPRESENTATIVES.

SEC. 40. That in order to be eligible to be a member of the house of representatives a person shall, at the time of election—

Have attained the age of twenty-five years;

Be a male citizen of the United States;

Have resided in the Hawaiian Islands not less than three years;

And shall be qualified to vote for representatives in the district from which he is elected.

## LEGISLATION.

## SESSIONS OF THE LEGISLATURE.

SEC. 41. That the first regular session of the legislature shall be held on the third Wednesday in February, nineteen hundred and one, and biennially thereafter, in Honolulu.

SEC. 42. That neither house shall adjourn during any session for more than three days, or sine die, without the consent of the other.

SEC. 43. That each session of the legislature shall continue not longer than sixty days, excluding Sundays and holidays: *Provided, however,* That the governor may extend such session for not more than thirty days.

The governor may convene the legislature, or the senate alone, in special session, and, in case the seat of government shall be unsafe from an enemy, riot, or insurrection, or any dangerous disease, direct that any regular or special session shall be held at some other than the regular meeting place.

## ENACTING CLAUSE—ENGLISH LANGUAGE.

SEC. 44. That the enacting clause of all laws shall be, "Be it enacted by the legislature of the Territory of Hawaii."

All legislative proceedings shall be conducted in the English language.

## TITLE OF LAWS.

SEC. 45. That each law shall embrace but one subject, which shall be expressed in its title.

## READING OF BILLS.

SEC. 46. That a bill in order to become a law shall, except as herein provided, pass three readings in each house, on separate days, the final passage of which in each house shall be by a majority vote of all the members to which such house is entitled, taken by ayes and noes and entered upon its journal.

## CERTIFICATION OF BILLS FROM ONE HOUSE TO THE OTHER.

SEC. 47. That every bill when passed by the house in which it originated, or in which amendments thereto shall have originated, shall immediately be certified by the presiding officer and clerk and sent to the other house for consideration.

## SIGNING BILLS.

SEC. 48. That, except as herein provided, all bills passed by the legislature shall, in order to be valid, be signed by the governor.

## VETO OF GOVERNOR.

SEC. 49. That every bill which shall have passed the legislature shall be certified by the presiding officers and clerks of both houses, and shall thereupon be presented to the governor. If he approves it, he shall sign it, and it shall become a law. If the governor does not approve such bill, he may return it, with his objections, to the legislature.

He may veto any specific item or items in any bill which appropriates money for specific purposes; but shall veto other bills, if at all, only as a whole.

## PROCEDURE UPON RECEIPT OF VETO.

SEC. 50. That upon the receipt of a veto message from the governor each house of the legislature shall enter the same at large upon its journal and proceed to reconsider such bill, or part of a bill, and again vote upon it by ayes and noes, which shall be entered upon its journal.

If after such reconsideration such bill, or part of a bill, shall be approved by a two-thirds vote of all the members to which each house is entitled, it shall thereby become law.

## FAILURE TO SIGN OR VETO.

SEC. 51. That if the governor neither signs nor vetoes a bill within ten days after it is delivered to him it shall become a law without his signature, unless the legislature adjourns sine die prior to the expiration of such ten days.

If any bill shall not be returned by the governor within ten days (Sundays excepted) after it shall have been presented to him, the same shall be a law in like manner as if he had signed it, unless the legislature by their adjournment prevents its return, in which case it shall not be a law.

## APPROPRIATIONS.

SEC. 52. That appropriations, except as otherwise herein provided, shall be made biennially by the legislature: *Provided, however,* That pending the time when this Act shall take effect and until a session of the legislature of the Territory of Hawaii shall be held, the President may, in his discretion, authorize and direct the use of such money in the treasury of the Republic of Hawaii as well as of the Territory of Hawaii, as he shall think requisite and proper for carrying on the government of the Territory of Hawaii, the preservation of the public health, the completion of the sewerage system of the city of Honolulu, and such other expenditures as in the President's judgment shall seem to be appropriate.

SEC. 53. That the governor shall submit to the legislature, at each regular session, estimates for appropriations for the succeeding biennial period.

SEC. 54. That in case of failure of the legislature to pass appropriation bills providing for payments of the necessary cur-

rent expenses of carrying on the government and meeting its legal obligations as the same are provided for by the then existing laws, the governor shall, upon the adjournment of the legislature, call it in extra session for the consideration of appropriation bills, and until the legislature shall have acted the treasurer may, with the advice of the governor, make such payments, for which purpose the sums appropriated in the last appropriation bills shall be deemed to have been reappropriated. And all legislative and other appropriations made prior to the date when this Act shall take effect, shall be available to the government of the Territory of Hawaii.

#### LEGISLATIVE POWER.

SEC. 55. That the legislative power of the Territory shall extend to all rightful subjects of legislation not inconsistent with the Constitution and laws of the United States locally applicable. The legislature, at its first regular session after the census enumeration shall be ascertained, and from time to time thereafter, shall reapportion the membership in the senate and house of representatives among the senatorial and representative districts on the basis of the population in each of said districts who are citizens of the Territory; but the legislature shall not grant to any corporation, association, or individual any special or exclusive privilege, immunity, or franchise without the approval of Congress; nor shall it grant private charters, but it may by general act permit persons to associate themselves together as bodies corporate for manufacturing, agricultural, and other industrial pursuits, and for conducting the business of insurance, savings banks, banks of discount and deposit (but not of issue), loan, trust, and guaranty associations, for the establishment and conduct of cemeteries, and for the construction and operation of railroads, wagon roads, vessels, and irrigating ditches, and the colonization and improvement of lands in connection therewith, or for colleges, seminaries, churches, libraries, or any other benevolent, charitable, or scientific association: *Provided*, That no corporation, domestic or foreign, shall acquire and hold real estate in Hawaii in excess of one thousand acres; and all real estate acquired or held by such corporation or association contrary hereto shall be forfeited and escheat to the United States, but existing vested rights in real estate shall not be impaired. No divorce shall be granted by the legislature, nor shall any

divorce be granted by the courts of the Territory unless the applicant therefor shall have resided in the Territory for two years next preceding the application, but this provision shall not affect any action pending when this Act takes effect; nor shall any lottery or sale of lottery tickets be allowed; nor shall spirituous or intoxicating liquors be sold except under such regulations and restrictions as the Territorial legislature shall provide; nor shall any public money be appropriated for the support or benefit of any sectarian, denominational, or private school, or any school not under the exclusive control of the government; nor shall the government of the Territory of Hawaii, or any political or municipal corporation or subdivision of the Territory, make any subscription to the capital stock of any incorporated company, or in any manner lend its credit for the use thereof; nor shall any debt be authorized to be contracted by or on behalf of the Territory, or any political or municipal corporation or subdivision thereof, except to pay the interest upon the existing indebtedness, to suppress insurrection, or to provide for the common defense, except that in addition to any indebtedness created for such purposes the legislature may authorize loans by the Territory, or any such subdivision thereof, for the erection of penal, charitable, and educational institutions, and for public buildings, wharves, roads, and harbor and other public improvements, but the total of such indebtedness incurred in any one year by the Territory or any subdivision shall not exceed one per centum upon the assessed value of taxable property of the Territory or subdivision thereof, as the case may be, as shown by the last general assessment for taxation, and the total indebtedness for the Territory shall not at any time be extended beyond seven per centum of such assessed value, and the total indebtedness of any subdivision shall not at any time be extended beyond three per centum of such assessed value, but nothing in this provision shall prevent the refunding of any existing indebtedness at any time; nor shall any such loan be made upon the credit of the public domain or any part thereof, nor shall any bond or other instrument of any such indebtedness be issued unless made redeemable in not more than five years and payable in not more than fifteen years from the date of the issue thereof; nor shall any such bond or indebtedness be incurred until approved by the President of the United States.

## TOWN, CITY, AND COUNTY GOVERNMENT.

SEC. 56. That the legislature may create counties and town and city municipalities within the Territory of Hawaii and provide for the government thereof.

## ELECTIONS.

## EXEMPTION OF ELECTORS ON ELECTION DAY.

SEC. 57. That every elector shall be privileged from arrest on election day during his attendance at election and in going to and returning therefrom, except in case of breach of the peace then committed, or in case of treason or felony.

SEC. 58. That no elector shall be so obliged to perform military duty on the day of election as to prevent his voting, except in time of war or public danger, or in case of absence from his place of residence in actual military service, in which case provision may be made by law for taking his vote.

## METHOD OF VOTING FOR REPRESENTATIVES.

SEC. 59. That each voter for representative may cast a vote for as many representatives as are to be elected from the representative district in which he is entitled to vote.

The required number of candidates receiving the highest number of votes in the respective representative districts shall be the representatives for such districts.

## QUALIFICATIONS OF VOTERS FOR REPRESENTATIVES.

SEC. 60. That in order to be qualified to vote for representatives a person shall—

First. Be a male citizen of the United States.

Second. Have resided in the Territory not less than one year preceding and in the respective district in which he offers to register not less than three months immediately preceding the time at which he offers to register.

Third. Have attained the age of twenty-one years.

Fourth. Prior to each regular election, during the time prescribed by law for registration, have caused his name to be



entered on the register of voters for representatives for his district.

Fifth. Be able to speak, read, and write the English or Hawaiian language.

#### METHOD OF VOTING FOR SENATORS.

Sec. 61. That each voter for senator may cast one vote for each senator to be elected from the senatorial district in which he is entitled to vote.

The required number of candidates receiving the highest number of votes in the respective senatorial districts shall be the senators for such district.

#### QUALIFICATIONS OF VOTERS FOR SENATORS AND IN ALL OTHER ELECTIONS.

Sec. 62. That in order to be qualified to vote for senators and for voting in all other elections in the Territory of Hawaii a person must possess all the qualifications and be subject to all the conditions required by this Act of voters for representatives.

Sec. 63. That no person shall be allowed to vote who is in the Territory by reason of being in the Army or Navy or by reason of being attached to troops in the service of the United States.

Sec. 64. That the rules and regulations for administering oaths and holding elections set forth in Ballou's Compilation, Civil Laws, Appendix, and the list of registering districts and precincts appended, are continued in force with the following changes, to-wit:

Strike out the preliminary proclamation and sections one to twenty-six, inclusive, sections thirty and thirty-nine, the second and third paragraphs of section forty-eight, the second paragraph of section fifty, and sections sixty-two, sixty-three, and sixty-six, second paragraph of section one hundred.

In section twenty-nine strike out all after the word "Niihau" and in lieu thereof insert: "The boards of registration existing at the date of the approval of this Act shall go out of office, and new boards, which shall consist of three members each, shall be appointed by the governor, by and with the advice and consent of the senate, whose terms of office shall be four years. Appointments made by the governor when the senate is not in session shall be valid until the succeeding meeting of that body."

In section thirty-one strike out "the first day of April and the thirtieth day of June, in the year eighteen hundred and ninety-seven," and insert in lieu thereof "the last day of August and the tenth day of October, in the year nineteen hundred."

Strike out the words "and the detailed record" in sections fifty-two and one hundred and twelve.

Strike out "marshal" wherever it occurs and insert in lieu thereof "high sheriff."

Strike out of section fifty-three the words "except as provided in section one hundred and fourteen hereof."

In sections fifty-three, fifty-four, fifty-six, fifty-seven, fifty-nine, sixty, seventy-one, seventy-five, eighty-six, ninety-two, ninety-three, ninety-four, ninety-five, one hundred and eleven, one hundred and twelve, and one hundred and thirteen strike out the words "minister" and "minister of the interior" wherever they occur and insert in lieu thereof the words "secretary of the Territory."

In section fifty-six, paragraph three, strike out "interior office" and insert "office of the secretary of the Territory."

In section fifty-six, first paragraph, after the words "candidate for election" insert "to the legislature;" and in the last paragraph strike out the word "only."

Strike out the word "elective" in section sixty-four.

In sections twenty-seven, sixty-four, sixty-five, sixty-eight, seventy, and seventy-two strike out the words "minister of the interior" or "minister" wherever they occur and insert in lieu thereof the word "governor."

Amend section sixty-seven so that it will read: "At least forty days before any election the governor shall issue an election proclamation and transmit copies of the same to the several boards of inspectors throughout the Territory, or where such election is to be held."

In section seventy-five strike out the word "perfectly," and in section seventy-six strike out "in" and insert "on."

In section one hundred and twelve strike out "interior department" and insert in lieu thereof "office of the secretary of the Territory."

In section one hundred and fourteen strike out the word "Republic" wherever it occurs and insert in lieu thereof "Territory."

In section one hundred and fifteen strike out the words "minister" and "minister of the interior" and insert in lieu thereof "treasurer," and strike out all after the word "refreshments:"

*Provided, however,* That for the holding of a special election before the first general election the governor may prescribe the time during which the boards of registration shall meet and the registration be made.

SEC. 65. That the legislature of the Territory may from time to time establish and alter the boundaries of election districts and voting precincts and apportion the senators and representatives to be elected from such districts.

### CHAPTER 3.—THE EXECUTIVE.

#### THE EXECUTIVE POWER.

SEC. 66. That the executive power of the government of the Territory of Hawaii shall be vested in a governor, who shall be appointed by the President, by and with the advice and consent of the Senate of the United States, and shall hold office for four years and until his successor shall be appointed and qualified, unless sooner removed by the President. He shall be not less than thirty-five years of age; shall be a citizen of the Territory of Hawaii; shall be commander in chief of the militia thereof; may grant pardons or reprieves for offenses against the laws of the said Territory and reprieves for offenses against the laws of the United States until the decision of the President is made known thereon.

#### ENFORCEMENT OF LAW.

SEC. 67. That the governor shall be responsible for the faithful execution of the laws of the United States and of the Territory of Hawaii within the said Territory, and whenever it becomes necessary he may call upon the commanders of the military and naval forces of the United States in the Territory of Hawaii, or summon the posse comitatus, or call out the militia of the Territory to prevent or suppress lawless violence, invasion, insurrection, or rebellion in said Territory, and he may, in case of rebellion or invasion, or imminent danger thereof, when the public safety requires it, suspend the privilege of the writ of habeas corpus, or place the Territory, or any part thereof, under martial law until communication can be had with the President and his decision thereon made known.

## GENERAL POWERS OF THE GOVERNOR.

SEC. 68. That all the powers and duties which, by the laws of Hawaii, are conferred upon or required of the President or any minister of the Republic of Hawaii (acting alone or in connection with any other officer or person or body) or the cabinet or executive council, and not inconsistent with the Constitution or laws of the United States, are conferred upon and required of the governor of the Territory of Hawaii, unless otherwise provided.

## SECRETARY OF THE TERRITORY.

SEC. 69. That there shall be a secretary of the said Territory, who shall be appointed by the President, by and with the advice and consent of the Senate of the United States, and who shall be a citizen of the Territory of Hawaii and hold his office for four years and until his successor shall be appointed and qualified, unless sooner removed by the President. He shall record and preserve all the laws and proceedings of the legislature and all acts and proceedings of the governor, and promulgate proclamations of the governor. He shall, within thirty days after the end of each session of the legislature, transmit to the President, the President of the Senate, and the Speaker of the House of Representatives of the United States one copy each of the laws and journals of such session. He shall transmit to the President, semiannually, on the first days of January and July, a copy of the executive proceedings, and shall perform such other duties as are prescribed in this Act or as may be required of him by the legislature of Hawaii.

## ACTING GOVERNOR IN CERTAIN CONTINGENCIES.

SEC. 70. That in case of the death, removal, resignation, or disability of the governor, or his absence from the Territory, the secretary shall exercise all the powers and perform all the duties of governor during such vacancy, disability, or absence, or until another governor is appointed and qualified.

## ATTORNEY-GENERAL.

SEC. 71. That there shall be an attorney-general, who shall have the powers and duties of the attorney-general and those of

the powers and duties of the minister of the interior which relate to prisons, prisoners, and prison inspectors, notaries public, and escheat of lands under the laws of Hawaii, except as changed by this Act and subject to modification by the legislature.

#### TREASURER.

SEC. 72: That there shall be a treasurer, who shall have the powers and duties of the minister of finance and those of the powers and duties of the minister of the interior which relate to licenses, corporations, companies, and partnerships, business conducted by married women, newspapers, registry of conveyances, and registration of prints, labels, and trade-marks under the laws of Hawaii, except as changed in this Act and subject to modification by the legislature.

#### COMMISSIONER OF PUBLIC LANDS.

SEC. 73. That the laws of Hawaii relating to public lands, the settlement of boundaries, and the issuance of patents on land-commission awards, except as changed by this Act, shall continue in force until Congress shall otherwise provide. That, subject to the approval of the President, all sales, grants, leases, and other dispositions of the public domain, and agreements concerning the same, and all franchises granted by the Hawaiian government in conformity with the laws of Hawaii between the seventh day of July, eighteen hundred and ninety-eight, and the twenty-eighth day of September, eighteen hundred and ninety-nine, are hereby ratified and confirmed. In said laws "land patent" shall be substituted for "royal patent;" "commissioner of public lands" for "minister of the interior," "agent of public lands," and "commissioners of public lands," or their equivalents; and the words "that I am a citizen of the United States," or "that I have declared my intention to become a citizen of the United States, as required by law," for the words "that I am a citizen by birth (or naturalization) of the Republic of Hawaii," or "that I have received letters of denization under the Republic of Hawaii," or "that I have received a certificate of special right of citizenship from the Republic of Hawaii." And no lease of agricultural land shall be granted, sold, or renewed by the government of the Territory of Hawaii for a longer period than five years until Congress shall otherwise direct. All funds arising from the sale or lease or other disposal of such lands shall

be appropriated by the laws of the government of the Territory of Hawaii and applied to such uses and purposes for the benefit of the inhabitants of the Territory of Hawaii as are consistent with the joint resolution of annexation, approved July seventh, eighteen hundred and ninety-eight: *Provided*, There shall be excepted from the provisions of this section all lands heretofore set apart, or reserved, by Executive order, or orders, by the President of the United States.

#### COMMISSIONER OF AGRICULTURE AND FORESTRY.

SEC. 74. That the laws of Hawaii relating to agriculture and forestry, except as changed by this Act, shall continue in force, subject to modification by Congress or the legislature. In said laws "commissioner of agriculture and forestry" shall be substituted, respectively, for "bureau," "bureau of agriculture and forestry," "commissioner," "commissioners of agriculture," and "commissioners for the island of Oahu."

#### SUPERINTENDENT OF PUBLIC WORKS.

SEC. 75. That there shall be a superintendent of public works, who shall have the powers and duties of the superintendent of public works and those of the powers and duties of the minister of the Interior which relate to streets and highways, harbor improvements, wharves, landings, waterworks, railways, electric light and power, telephone lines, fences, pounds, brands, weights and measures, fires and fireproof buildings, explosives, eminent domain, public works, markets, buildings, parks and cemeteries, and other grounds and lands now under the control and management of the minister of the interior, and those of the powers and duties of the minister of finance and collector-general which relate to pilots and harbor masters under the laws of Hawaii, except as changed by this Act and subject to modification by the legislature. In said laws the word "legislature" shall be substituted for "councils" and the words "the circuit court" for "the Hawaiian Postal Savings Bank."

#### SUPERINTENDENT OF PUBLIC INSTRUCTION.

SEC. 76. That there shall be a superintendent of public instruction, who shall have the powers and perform the duties con-

ferred upon and required of the minister of public instruction by the laws of Hawaii as amended by this Act, and subject to modification by the legislature.

It shall be the duty of the United States Commissioner of Labor to collect, assort, arrange, and present in annual reports statistical details relating to all departments of labor in the Territory of Hawaii, especially in relation to the commercial, industrial, social, educational, and sanitary condition of the laboring classes, and to all such other subjects as Congress may, by law, direct. The said commissioner is especially charged to ascertain, at as early a date as possible, and as often thereafter as such information may be required, the highest, lowest, and average number of employees engaged in the various industries in the Territory, to be classified as to nativity, sex, hours of labor, and conditions of employment, and to report the same to Congress.

#### AUDITOR AND DEPUTY AUDITOR.

SEC. 77. That there shall be an auditor and deputy auditor, who shall have the powers and duties conferred upon and required of the auditor-general and deputy auditor-general, respectively, by act thirty-nine of the Session Laws, as amended by this Act, subject to modification by the legislature. In said act "officer" shall be substituted for "minister" where used without other designation.

#### SURVEYOR.

SEC. 78. That there shall be a surveyor, who shall have the powers and duties heretofore attached to the surveyor-general, except such as relate to the geodetic survey of the Hawaiian Islands.

#### HIGH SHERIFF.

SEC. 79. That there shall be a high sheriff and deputies, who shall have the powers and duties of the marshal and deputies of the Republic of Hawaii under the laws of Hawaii, except as changed by this Act, and subject to modification by the legislature.

## APPOINTMENT, REMOVAL, TENURE, AND SALARIES OF OFFICERS.

SEC. 80. That the President shall nominate and, by and with the advice and consent of the Senate, appoint the chief justice and justices of the supreme court, the judges of the circuit courts, who shall hold their respective offices for the term of four years, unless sooner removed by the President; and the governor shall nominate and, by and with the advice and consent of the senate of the Territory of Hawaii, appoint the attorney-general, treasurer, commissioner of public lands, commissioner of agriculture and forestry, superintendent of public works, superintendent of public instruction, auditor, deputy auditor, surveyor, high sheriff, members of the board of health, commissioners of public instruction, board of prison inspectors, board of registration and inspectors of election, and any other boards of a public character that may be created by law; and he may make such appointments when the senate is not in session by granting commissions, which shall, unless such appointments are confirmed, expire at the end of the next session of the senate. He may, by and with the advice and consent of the senate of the Territory of Hawaii, remove from office any of such officers. All such officers shall hold office for four years and until their successors are appointed and qualified, unless sooner removed, except the commissioners of public instruction and the members of said boards, whose terms of office shall be as provided by the laws of the Territory of Hawaii.

The manner of appointment and removal and the tenure of all other officers shall be as provided by law; and the governor may appoint or remove any officer whose appointment or removal is not otherwise provided for.

The salaries of all officers other than those appointed by the President shall be as provided by the legislature, but those of the chief justice and the justices of the supreme court and judges of the circuit courts shall not be diminished during their term of office.

All officers appointed under the provisions of this section shall be citizens of the Territory of Hawaii.

All persons holding office in the Hawaiian Islands at the time this Act takes effect shall continue to hold their respective offices until their successors are appointed and qualified, but not beyond the end of the first session of the senate of the Territory of Hawaii unless reappointed as herein provided.



## CHAPTER IV.

## THE JUDICIARY.

SEC. 81. That the judicial power of the Territory shall be vested in one supreme court, circuit courts, and in such inferior courts as the legislature may from time to time establish. And until the legislature shall otherwise provide, the laws of Hawaii heretofore in force concerning the several courts and their jurisdiction and procedure shall continue in force except as herein otherwise provided.

## SUPREME COURT.

SEC. 82. That the supreme court shall consist of a chief justice and two associate justices, who shall be citizens of the Territory of Hawaii and shall be appointed by the President of the United States, by and with the advice and consent of the Senate of the United States, and may be removed by the President: *Provided, however,* That in case of the disqualification or absence of any justice thereof, in any cause pending before the court, on the trial and determination of said cause his place shall be filled as provided by law.

## LAWS CONTINUED IN FORCE.

SEC. 83. That the laws of Hawaii relative to the judicial department, including civil and criminal procedure, except as amended by this Act, are continued in force, subject to modification by Congress, or the legislature. The provisions of said laws or any laws of the Republic of Hawaii which require juries to be composed of aliens or foreigners only, or to be constituted by impaneling natives of Hawaii only, in civil and criminal cases specified in said laws, are repealed, and all juries shall hereafter be constituted without reference to the race or place of nativity of the jurors; but no person who is not a male citizen of the United States and twenty-one years of age and who can not understandingly speak, read, and write the English language shall be a qualified juror or grand juror in the Territory of Hawaii. No person shall be convicted in any criminal case except by unanimous verdict of the jury. No plaintiff or defendant in any suit or proceeding in a court of the Territory of Hawaii shall

be entitled to a trial by a jury impaneled exclusively from persons of any race. Until otherwise provided by the legislature of the Territory, grand juries may be drawn in the manner provided by the Hawaiian statutes for drawing petty juries, and shall sit at such times as the circuit judges of the respective circuits shall direct; the number of grand jurors in each circuit shall be not less than thirteen, and the method of the presentation of cases to said grand jurors shall be prescribed by the supreme court of the Territory of Hawaii. The several circuit courts may subpoena witnesses to appear before the grand jury in like manner as they subpoena witnesses to appear before their respective courts.

**DISQUALIFICATION BY RELATIONSHIP, PECUNIARY INTEREST, OR PREVIOUS JUDGMENT.**

SEC. 84. That no person shall sit as a judge or juror in any case in which his relative by affinity or by consanguinity within the third degree is interested, either as a plaintiff or defendant, or in the issue of which the said judge or juror may have, either directly or through such relative, any pecuniary interest. No judge shall sit on an appeal, or new trial, in any case, in which he may have given a previous judgment.

**CHAPTER 5.—UNITED STATES OFFICERS.**

**DELEGATE TO CONGRESS.**

SEC. 85. That a Delegate to the House of Representatives of the United States, to serve during each Congress, shall be elected by the voters qualified to vote for members of the house of representatives of the legislature; such Delegate shall possess the qualifications necessary for membership of the senate of the legislature of Hawaii. The times, places, and manner of holding elections shall be as fixed by law. The person having the greatest number of votes shall be declared by the governor duly elected, and a certificate shall be given accordingly. Every such Delegate shall have a seat in the House of Representatives, with the right of debate, but not of voting.

**FEDERAL COURT.**

SEC. 86. That there shall be established in said Territory a district court to consist of one judge, who shall reside therein and

be called the district judge. The President of the United States, by and with the advice and consent of the Senate of the United States, shall appoint a district judge, a district attorney, and a marshal of the United States for the said district, and said judge, attorney, and marshal shall hold office for six years unless sooner removed by the President. Said court shall have, in addition to the ordinary jurisdiction of district courts of the United States, jurisdiction of all cases cognizable in a circuit court of the United States, and shall proceed therein in the same manner as a circuit court; and said judge, district attorney, and marshal shall have and exercise in the Territory of Hawaii all the powers conferred by the laws of the United States upon the judges, district attorneys, and marshals of district and circuit courts of the United States. Writs of error and appeals from said district court shall be had and allowed to the circuit court of appeals in the ninth judicial circuit in the same manner as writs of error and appeals are allowed from circuit courts to circuit courts of appeals as provided by law, and the laws of the United States relating to juries and jury trials shall be applicable to said district court. The laws of the United States relating to appeals, writs of error, removal of causes, and other matters and proceedings as between the courts of the United States and the courts of the several States shall govern in such matters and proceedings as between the courts of the United States and the courts of the Territory of Hawaii. Regular terms of said court shall be held at Honolulu on the second Monday in April and October and at Hilo on the last Wednesday in January of each year; and special terms may be held at such times and places in said district as the said judge may deem expedient. The said district judge shall appoint a clerk for said court at a salary of three thousand dollars per annum, and shall appoint a reporter of said court at a salary of twelve hundred dollars per annum.

#### INTERNAL-REVENUE DISTRICT.

SEC. 87. That the Territory of Hawaii shall constitute a district for the collection of the internal revenue of the United States, with a collector, whose office shall be at Honolulu, and deputy collectors at such other places in the several islands as the Secretary of the Treasury shall direct.

## CUSTOMS DISTRICT.

SEC. 88. That the Territory of Hawaii shall comprise a customs district of the United States, with ports of entry and delivery at Honolulu, Hilo, Mahukona, and Kahului.

## CHAPTER 6.—MISCELLANEOUS.

## REVENUES FROM WHARVES.

SEC. 89. That until further provision is made by Congress the wharves and landings constructed or controlled by the Republic of Hawaii on any seacoast, bay, roadstead, or harbor shall remain under the control of the government of the Territory of Hawaii, which shall receive and enjoy all revenues derived therefrom, on condition that said property shall be kept in good condition for the use and convenience of commerce, but no tolls or charges shall be made by the government of the Territory of Hawaii for the use of any such property by the United States, or by any vessel of war, tug, revenue cutter, or other boat or transport in the service of the United States.

SEC. 90. That Hawaiian postage stamps, postal cards, and stamped envelopes at the post-offices of the Hawaiian Islands when this Act takes effect shall not be sold, but, together with those that shall thereafter be received at such offices as herein provided, shall be canceled under the direction of the Postmaster-General of the United States; those previously sold and uncanceled shall, if presented at such offices within six months after this Act takes effect, be received at their face value in exchange for postage stamps, postal cards, and stamped envelopes of the United States of the same aggregate face value and, so far as may be, of such denominations as desired.

SEC. 91. That the public property ceded and transferred to the United States by the Republic of Hawaii under the joint resolution of annexation, approved July seventh, eighteen hundred and ninety-eight, shall be and remain in the possession, use, and control of the government of the Territory of Hawaii, and shall be maintained, managed, and cared for by it, at its own expense, until otherwise provided for by Congress, or taken for the uses and purposes of the United States by direction of the President or of the governor of Hawaii. And all moneys in the Hawaiian treasury, and all the revenues and other property ac-

quired by the Republic of Hawaii since said cession shall be and remain the property of the Territory of Hawaii.

SEC. 92. That the following officers shall receive the following annual salaries, to be paid by the United States: The governor, five thousand dollars; the secretary of the Territory, three thousand dollars; the chief justice of the supreme court of the Territory, five thousand five hundred dollars, and the associate justices of the supreme court, five thousand dollars each, and the judges of the circuit courts, three thousand dollars each. The salaries of the said chief justice and the associate justices of the supreme court, and the judges of the circuit courts as above provided shall be paid by the United States; the United States district judge, five thousand dollars; the United States marshal, two thousand five hundred dollars; the United States district attorney, three thousand dollars. And the governor shall receive annually, in addition to his salary, the sum of five hundred dollars for stationery, postage, and incidentals; also his traveling expenses while absent from the capital on official business, and the sum of two thousand dollars annually for his private secretary.

#### IMPORTS FROM HAWAII INTO THE UNITED STATES.

SEC. 93. That imports from any of the Hawaiian Islands, into any State or any other Territory of the United States, of any dutiable articles not the growth, production, or manufacture of said islands, and imported into them from any foreign country after July seventh, eighteen hundred and ninety-eight, and before this Act takes effect, shall pay the same duties that are imposed on the same articles when imported into the United States from any foreign country.

#### INVESTIGATION OF FISHERIES.

SEC. 94. That the Commissioner of Fish and Fisheries of the United States is empowered and required to examine into the entire subject of fisheries and the laws relating to the fishing rights in the Territory of Hawaii, and report to the President touching the same, and to recommend such changes in said laws as he shall see fit.

## REPEAL OF LAWS CONFERRING EXCLUSIVE FISHING RIGHTS.

SEC. 95. That all laws of the Republic of Hawaii which confer exclusive fishing rights upon any person or persons are hereby repealed, and all fisheries in the sea waters of the Territory of Hawaii not included in any fish pond or artificial inclosure shall be free to all citizens of the United States, subject, however, to vested rights; but no such vested right shall be valid after three years from the taking effect of this Act unless established as hereinafter provided.

## PROCEEDINGS FOR OPENING FISHERIES TO CITIZENS.

SEC. 96. That any person who claims a private right to any such fishery shall, within two years after the taking effect of this Act, file his petition in a circuit court of the Territory of Hawaii, setting forth his claim to such fishing right, service of which petition shall be made upon the attorney-general, who shall conduct the case for the Territory, and such case shall be conducted as an ordinary action at law.

That if such fishing right be established, the attorney-general of the Territory of Hawaii may proceed, in such manner as may be provided by law for the condemnation of property for public use, to condemn such private right of fishing to the use of the citizens of the United States upon making just compensation, which compensation, when lawfully ascertained, shall be paid out of any money in the treasury of the Territory of Hawaii not otherwise appropriated.

## QUARANTINE.

SEC. 97. That quarantine stations shall be established at such places in the Territory of Hawaii as the Supervising Surgeon-General of the Marine-Hospital Service of the United States shall direct, and the quarantine regulations for said islands relating to the importation of diseases from other countries shall be under the control of the Government of the United States. The quarantine station and grounds at the harbor of Honolulu, together with all the public property belonging to that service, shall be transferred to the Marine-Hospital Service of the United States, and said quarantine grounds shall continue to be so used and employed until the station is changed to other grounds which may be selected by order of the Secretary of the Treasury.

The health laws of the government of Hawaii relating to the harbor of Honolulu and other harbors and inlets from the sea and to the internal control of the health of the islands shall remain in the jurisdiction of the government of the Territory of Hawaii, subject to the quarantine laws and regulations of the United States.

SEC. 98. That all vessels carrying Hawaiian registers on the twelfth day of August, eighteen hundred and ninety-eight, and which were owned bona fide by citizens of the United States, or the citizens of Hawaii, together with the following-named vessels claiming Hawaiian register, *Star of France*, *Euterpe*, *Star of Russia*, *Falls of Clyde*, and *Wilscott*, shall be entitled to be registered as American vessels, with the benefits and privileges appertaining thereto, and the coasting trade between the islands aforesaid and any other portion of the United States shall be regulated in accordance with the provisions of law applicable to such trade between any two great coasting districts.

SEC. 99. That the portion of the public domain heretofore known as Crown land is hereby declared to have been, on the twelfth day of August, eighteen hundred and ninety-eight, and prior thereto, the property of the Hawaiian government, and to be free and clear from any trust of or concerning the same, and from all claim of any nature whatsoever, upon the rents, issues, and profits thereof. It shall be subject to alienation and other uses as may be provided by law.

SEC. 100. That for the purposes of naturalization under the laws of the United States residence in the Hawaiian Islands prior to the taking effect of this Act shall be deemed equivalent to residence in the United States and in the Territory of Hawaii, and the requirement of a previous declaration of intention to become a citizen of the United States and to renounce former allegiance shall not apply to persons who have resided in said islands at least five years prior to the taking effect of this Act; but all other provisions of the laws of the United States relating to naturalization shall, so far as applicable, apply to persons in the said islands.

SEC. 101. That Chinese in the Hawaiian Islands when this Act takes effect may within one year thereafter obtain certificates of residence as required by "An Act to prohibit the coming of Chinese persons into the United States," approved May fifth, eighteen hundred and ninety-two, as amended by an Act approved November third, eighteen hundred and ninety-three, entitled "An Act to amend an Act entitled 'An Act to prohibit the

coming of Chinese persons into the United States,' approved May fifth, eighteen hundred and ninety-two," and until the expiration of said year shall not be deemed to be unlawfully in the United States is found therein without such certificates: *Provided, however,* That no Chinese laborer, whether he shall hold such certificate or not, shall be allowed to enter any State, Territory, or District of the United States from the Hawaiian Islands.

SEC. 102. That the laws of Hawaii relating to the establishment and conduct of any postal savings bank or institution are hereby abolished. And the Secretary of the Treasury, in the execution of the agreement of the United States as expressed in an Act entitled "Joint Resolution to provide for annexing the Hawaiian Islands to the United States," approved July seventh, eighteen hundred and ninety-eight, shall pay the amounts on deposit in the Hawaiian Postal Savings Bank to the persons entitled thereto, according to their respective rights, and he shall make all needful orders, rules, and regulations for paying such persons and for notifying such persons to present their demands for payment. So much money as is necessary to pay said demands is hereby appropriated out of any money in the Treasury not otherwise appropriated, to be available on and after the first day of July, nineteen hundred, when such payments shall begin, and none of said demands shall bear interest after said date, and no deposit shall be made in said bank after said date. Said demands of such persons shall be certified to by the chief executive of Hawaii as being genuine and due to the persons presenting the same, and his certificate shall be sealed with the official seal of the Territory, and countersigned by its secretary, and shall be approved by the Secretary of the Interior, who shall draw his warrant for the amount due upon the Treasurer of the United States, and when the same are so paid no further liabilities shall exist in respect of the same against the governments of the United States or of Hawaii.

SEC. 103. That any money of the Hawaiian Postal Savings Bank that shall remain unpaid to the persons entitled thereto on the first day of July, nineteen hundred and one, and any assets of said bank shall be turned over by the Government of Hawaii to the Treasurer of the United States, and the Secretary of the Treasury shall cause an account to be stated, as of said date, between such government of Hawaii and the United States in respect to said Hawaiian Postal Savings Bank.



SEC. 104. This Act shall take effect forty-five days from and after the date of the approval thereof, excepting only as to section fifty-two, relating to appropriations, which shall take effect upon such approval.

Approved, April 30, 1900.

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